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LIVINGSTON COUNTY

Historical Society

SECOND ANNUAL MEETING.

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SECOND ANNUAL MEETING

OF THE

LIVINGSTON COUNTY

HISTORICAL SOCIETY

HELD AT GENESEO,

Tuesday, January 8th, 1878.

ANNUAL ADDRESS BY HON. B. F. ANGEL, AND ADDRESSES BY DR. M. H. MILLS, L. B. PROCTOR, ESQ., MR. NORMAN SEYMOUR, AND OTHERS.

Also History of Organization, Constitution, By-Laws, and Certificate of Incorporation.

DANSVILLE, N. Y.:
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1878.

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SECOND ANNUAL MEETING

OF

The Livingston County Historical Society.

THE ANNUAL MEETING of the Livingston County Historical Society, at Geneseo, on the 8th of January, 1878, was largely attended by leading citizens from all parts of the county. A business meeting of the society took place at the Robinson house at ten o'clock in the forenoon of that day, at which time the annual election of officers for the ensuing year took place. The following officers were elected:

President—D. H. BISSELL.

Vice President—M. H. MILLS.

Secretary and Treasurer—NORMAN SEYMOUR.

Counselors—L. B. PROCTOR, F. M. PERINE, Dansville; D. H. FITZHUGH, Groveland; G. W. ROOT, York; L. J. AMES, Mt. Morris; WM. M. WHITE, Ossian; E. H. DAVIS, Avon; B. F. ANGEL, S. P. ALLEN, Geneseo.

Finance Committee—E. H. DAVIS, F. M. PERINE, S. P. ALLEN.

Publication Committee—L. B PROCTOR. B. F. ANGEL, W. M. WHITE.

Membership Committee—L. J. AMES, D. H. FITZHUGH, G. W. ROOT.

The report of the Secretary and Treasurer was read and approved.

A letter from Hon. Angus Cameron, U. S. Senator from Wisconsin, and a former citizen of this county, was read and ordered placed on file.

The President reported that room had been courteously tendered to the Society in the Wadsworth Library building for depositing the books, maps, charts and relics of the Society.

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The meeting then adjourned to the Chapel of the Normal school.

At 2 o'clock in the afternoon the Society met in the large and elegant Chapel of the Normal school, which was filled by an audience that represented a large portion of the intelligence, culture and respectability of Livingston county.

It is no affectation to say that this was an important and interesting occasion. All who were present felt that it was one of those events that is destined to live in memory as long as the county shall exist, and leave its impress on the annals of the state.

Precisely at 2 o'clock Dr. Bissell, in a few well chosen and happy remarks called the meeting to order, when the following programme was carried out:

Prayer by Rev. Dr. Ward.
Music by W. W. Killip's Quartette.
Annual Address by B. F. Angel.
Music.
Presentation to the Society of a medal formerly owned by William Scott, by Mrs. Dr. Hovey of Rochester.
Music.
Presentation of a portrait of the late Governor John Young, with Biographical Address by L. B. Proctor.
Acknowledgment of the gift on behalf of the Society, by Norman Seymour.
Music.

Dr. M. H. Mills with a well defined, but brief address, gave a list of the books, periodicals, and bound volumes of newspapers presented to the Society by the late William Scott of Scottsburgh.

The medal presented by Mrs. Hovey was accompanied by a very pleasing address on the part of the donor. This interesting relic was made from wood taken from the tomb in which the venerated remains of Washington were placed before their removal to their present resting place.

The annual address by Mr. Angel was precisely what the occasion demanded. It evinces vigorous enlargement of mind, and great depth of research. It is a valuable contribution, not only to the Society and the people of the county of Livingston, but to the land holders of Western New York, and it possesses elements of interest that will extend far into the future.

The biographical address of L. B. Proctor on presenting the portrait of Gov. John Young, was a delightful and instructive feature of the day. To use the language of a leading journal of the state, "The language of the speaker was chaste and pure—as rich in thought as it was elegant in expression. It is indeed a rare exhibition of biographical writing. It presented an exquisite mental portrait of John Young—so perfect in execution, that his every characteristic stands out from the canvass in bold relief."

Mr. Seymour's address on receiving the portrait was a just and highly finished tribute to the favorite Son of Livingston county.

These addresses were all of a high order of merit. They give to the Historical Society of Livingston county dignity and importance, and exhibit the mental characteristics of its officers and members. They will be found in the following pages arranged in their appropriate order.

The excellent music furnished by Prof. Killip greatly enhanced the pleasure of the occasion.

ANNUAL ADDRESS:

BY HON. BENJAMIN F. ANGEL.

HISTORICAL FALLACIES.

MR. PRESIDENT AND GENTLEMEN OF THE LIVINGSTON COUNTY HISTORICAL SOCIETY:—An eminent and learned clergyman recently declared in one of his sermons, that what we call history, was little better than a tissue of fable and falsehood, as unreliable as "the stuff that dreams are made of!" If this learned divine had said that there was a vast amount of fable and falsehood—of partisan prejudice and religious bigotry—of personal hostility and fulsome adulation—mixed up with every historical narrative, there are few scholars of the present day who would dissent from his proposition. Modern historical criticism has indeed made sad havoc with many of our preconceived ideas in regard to the past, and we are sometimes forced to conclude that the whole fabric of ancient history, and the more recent history of nations, is built upon such a sandy foundation, that it will topple and fall before the searching investigations of our learned antiquarians. This doubt and uncertainty might perhaps be expected of compiled histories, like those of Gibbon and Hume and Allison, but when modern writers, and original memoirs, treating of events in which the writers were participants, are proved to be equally fallacious—"full of falsifications, exaggerations and distortions of fact"—we lose faith in original memoirs and modern records also. Every one familiar with courts of law is aware of the conflict in testimony between two parties to a contest. Two witnesses of fair character who are called on different sides where it is material to know what transpired on a particular occasion when they were both present, give entirely different statements.

No wonder, therefore, in view of such things, that Sir Walter Raleigh exclaimed: "How is it possible for me to arrive at facts that transpired 3,000 years ago, when two men give such a different account of a street brawl which took place before their eyes!" What student of the present day places faith in very early Grecian or Roman history? Who is so credulous as to believe that the Trojan war, as related by Homer, is anything more than what a brilliant poet's fancy makes it? or that the early history of Rome—the suckling of Romulus and

Remus by a she wolf—the wars of the tribes—the purchase of the Sybilline leaves—the wrongs of Lucretia—the draining of the Alban lake—the battle of Regillus won by the aid of Castor and Pollux—the loves of the Vestal and Mars—of rivers dried up in a day—of whole provinces famished by a meal—of a passage for ships hewn through mountains, or of a road for armies spread upon the waves—are anything but the fancies of the early bards, amusing fables, or shadowy legends! It is now universally conceded that Herodotus, who has not inaptly been styled the father of history, drew upon a brilliant and poetic fancy for his facts, that Thucydides and Tacitus and Livy wrote pleasant but extravagant romance, and that Gibbon and Hume were inventors; and that Macaulay and Froude are but clever partisans, guilty of suppressing or distorting facts to help out an argument. A notable instance of this is related of Hume. It is said he submitted his manuscript history of the reign of Elizabeth to an eminent scholar and man of taste, who fully approved what he had written regarding the unfortunate Mary of Scotland; but when the book was published, this friend was astonished to find heinous sins recorded against the Scottish queen which had not sullied the manuscript,—and seeking the author he asked the meaning of it. "Why," replied Hume, "the printer said he would lose £500 if that was allowed to stand, so I altered it to suit his views!" Even Macaulay, who very severely criticises both these authors, although a clever essayist and polished writer, was intolerant towards Catholics, Puritans and Quakers; making James II. a bigot and miscreant under the control of his wife: while he makes William, the stupid, silent, hard-headed Dutchman, an immaculate sovereign, possessed of every virtue under heaven.

Prior to the publication of Froude's history we had been taught to believe King Henry VIII. of England a monster in human form, a gross, brutal sensualist, a sort of Bluebeard who violated every law, human and divine; but Froude makes him quite as good as it was possible to be at the time in which he lived, and quotes Ulpin Fulwell approvingly, who wrote in the reign of Queen Elizabeth, as an estimate of the character of Henry in the generation which followed him. "Among the most fortunate kings and princes that ever reigned (says Fulwell) let the fortunes of King Henry VIII. have a special place. This I may boldly say, that he was blest of God above all kings and princes that ever I have read of, and happy was that prince that might stand most in his favor; for the which divers made great suit; and especially when they stood in need of aid against their enemies, because they perceived that fortune followed his power, as handmaid to all his proceedings. A rare example no doubt it is, and meseemeth most strange that one king should reign thirty-eight years, and that almost in

continual wars, and never take foil, but always prevailed as a victor invicted, which without the assistance of Almighty God he could never have achieved; an evident token that God was on his side, and therefore who could stand against him. He was a prince of singular prudence, of passing stout courage, of invincible fortitude, of dexterity wonderful. He was a springing well of eloquence, a rare spectacle of humanity, of civility and good nature and absolute precedent, a special pattern of clemency and moderation, a worthy example of regal justice, a bottomless spring of largess and benignity. He was in all the honest arts and faculties profoundly seen; in all liberal discipline equal with the best; in no kind of literature inexpert. He was to the world an ornament, to England a treasure to his friends a comfort, to his foes a terror, to his faithful and loving subjects a tender father, and to innocents a sure protector. A man he was in gifts of nature, and of grace peerless. Such a king did God set to reign over England, whereof this realm may vaunt above all nations."

There is scarcely any portion of history more familiar than the exploits of William Tell, the Swiss patriot, who on account of his independence, had offended the tyrant Gessler and was ordered to shoot an apple from the head of his son. This incident is first related by a Swiss historian in 1680 as having transpired in 1492, near 200 years previous. At Altdorf in the Canton of Uri, the traveler will be pointed to Tell's lime tree, and Tell's chapel, as unimpeachable testimony of the correctness of the story. It has, however, been proved beyond question that Switzerland never had a ruler by the name of Gessler, or a subject by the name of Tell! It is a legend common to all countries where archery was practiced. In Scandinavia it is a feat attributed to a member of King Harold's body guard in 950. In England it was William of Cloudeslie. The Finns have a similar legend, and it has been traced by Baron Goold to our Aryan ancestors, before they left their primitive dwelling place in Central Asia.

The traveler who visits Cologne will be shown the bones of St. Ursula and her 11,000 virgins, who figure in mediæval history as having been sacrificed by the Huns while on their way to join the crusaders; and a little further up the Rhine the mouse tower of Bishop Hatto, who, in 970, was eaten by an innumerable army of rats, supposed to represent the souls of those who had come to this wicked bishop in the time of a great famine, and had been murdered by him rather than that he should part with his ample stores of grain.

In the refectory of a convent near Granada, in Spain, I saw a large number of historical paintings of saintly Romanists suffering martyrdom at the hands of the wicked English, German and Dutch Protestants, and my guide, a Carmelite monk, as-

sured me he could give me the names of hundreds who were thus burnt at the stake or who died from starvation in loathsome dungeons for opinion's sake, far outnumbering the catalogue given by Fox in his book of martyrs on the other side.

You will readily recall the pathetic story of the six Burghers of Calais, who in 1847 offered themselves as a sacrifice to Edward III. in order to save the lives of the remainder of the people of that unfortunate city after a long siege, and who led by St. Pierre, went barefoot with halters about their necks to the camp of the irate Edward, but whose lives were finally spared through the personal intercession of Edward's good queen, when St. Pierre is made to say, "Edward conquers our cities, but Phillippa wins our hearts." Instead of this being true, it is proved by documentary evidence that St. Pierre was in collusion with the enemy to deliver up the city, and was afterwards pensioned by the English king.

We have a legend here in the valley, located at Fall Brook. A respectable writer says, "where this stream plunges a hundred feet down a dizzy chasm, General Sullivan, after one of his battles with the Indians, drove many of his dusky foes, covering the rocks below with their mutilated bodies." This same exploit has been located at Watkins glen and at Niagara, but the truth is, it never occurred, as the Indians knew the country too well to be caught on the brink of a precipice; besides, Sullivan came into this valley after the ambush of a portion of his force near the head of Conesus lake, on their return from a reconnoitering expedition, and no Indians were found in the vicinity. In his report of his march no mention is made of such an exploit. Yet this in some minds is history.

A clever Frenchman some time ago wrote and published a book, which he styles "The Pearls of History," on which he has bestowed a vast amount of careful and laborious investigation to prove that the world has been cheated in the pithy sayings, the "bon mots,"—good words—and oratorical explosions attributed to distinguished personages. That Talleyrand did not originate the apothegm that "Language was given to conceal thoughts," but the saying was used by Voltaire, Goldsmith and Young and others a century before Talleyrand was born! That Nelson did not say at the battle of Trafalgar that "England expects every man to do his duty," but that a boatswain did during the reign of William of the Netherlands. That the abbe Edgeworth did not make the famous invocation to Louis XVI. on the scaffold, which every history of the French revolution records, "Son of St. Louis, ascend to heaven," but that the words were put into his mouth by a journalist, or, as we would say, a reporter, in giving an account of the execution the next morning. That the Compte d'Artois, brother of Louis XVIII. did not make the speech attributed to

him at the restoration, but the way of it was this: As his royal highness rode into town he was received by a brilliant company, and in reply to an address from Talleyrand stammered out a few incoherent sentences, for which it was felt by the shrewd statesman that some substitute must be prepared for publication in the Moniteur. The task of writing out the speech was assigned to Beugnot, who was ordered by his chief to invent an answer suitable to the person and occasion. After sundry efforts Beugnot made the prince say, "No more dis cord; peace and France; at last I visit my native land; nothing is changed except it be there is one Frenchman the more." This speech proved a perfect success, and the expression, one Frenchman more, became a pass word in all quarters. When the prince afterwards complained to his ministers that he never made the speech, he was told there was a necessity for his having uttered it, and it became history.

The watchword of "Booty and Beauty" attributed to the troops under Packenham at the battle of New Orleans on this day in 1815, is denied by every officer in that memorable engagement. The statement that the gallant Farragut was lashed to the top mast when passing forts Gaines and Morgan in Mobile bay, is equally untrue. Farragut says he was not lashed to the mast and did not go aloft to encourage his men, but he did go into the rigging at one time to get a better view of the situation; that Sheridan did not ride twenty miles after the battle in the valley of Virginia and single handed change defeat into victory, but it was the coinage of a sensational army correspondent, and a poetic invention of Buchanan Reade. One of the most entertaining little books of travel which has fallen under my observation is Thackeray's "Cornhill to Cairo." He describes his embarkation at Southampton, gives a graphic description of the vessel and passengers, their various peculiarities and quaint but natural expressions, the touching affection of the ship's cook in every day serving them a lock of his hair in the soup at dinner; what the author saw at Malta, his landing at Alexandria, journey up the Nile, arrival at Cairo, and first impressions of a purely oriental city; all very well written and full of amusing anecdote, yet it was all fiction. The journey was not performed and the author says he was never in Egypt in his life!

If any one will take the trouble to refer to a file of the London Times during what is known as the Italian war of Independence, he will find the letters of their army correspondents with both armies published some times in the same issue, full of the most glaring contradictions. Giving an account of the battle of Solferino, the Austrian correspondent states the loss of the allies to be 8,000, and the Austrians inconsiderable; while the other letter asserts that the loss of the

Austrians was 8,000 and the allies inconsiderable! Army dispatches are, however, proverbially unreliable, and it is a proverb to say of a doubtful story, "It lies like a dispatch;" yet we are all aware that the history of a war is, in the main, compiled from these dispatches.

It does not follow from my illustrations that *all* history is false and unreliable, as undoubtedly the leading events narrated are generally authentic; but I may state it as a rule that where statements are made, which are based upon supernatural agencies, they may safely be rejected, and allowance should always be made in personal biography for the warmth of partisan friendship on the one hand, and the bitter malignity of personal and party prejudice on the other. It is a trite saying, however, that "history repeats itself," and as truthful as trite. Take a single example from the hundreds that are encountered in a generation. Two hundred years ago, after the close of the civil war in England, a writer said: "At the commencement of the established government, which had no means of enforcing obedience, 50,000 soldiers laid down their arms and retired into the mass of the people, thenceforward to be distinguished only by superior diligence, sobriety and regularity in the pursuits of peace, from the other members of the community they had saved." Two centuries later, the same language could be used with marked emphasis at the close of our own unhappy conflict, and with equal force and truthfulness.

History, it is said, is "philosophy teaching by example," but what philosophy gains in soundness and depth, the examples are apt to lose in truth and effect; notwithstanding the careful investigations of such scholars as Niebuhr and Winckleman are sure to lead us to the conclusion that all history "begins in fable and ends in romance," it is by no means pleasant to have our idols broken or defaced before our eyes. It destroys the charm of our early reading. No boy desires to be told that Defoe's attractive story of Robinson Crusoe is nothing better than a romance, or that the philosophical conversations of Æsop's Animals are fabulous—it is nevertheless a stern duty in this practical age, that as far as possible we should sift the real from the imaginary, and I have thought it not out of place in an inaugural address before our infant society, to bring before you some of these "pearls," as my French author calls them, in order to impress upon you the necessity of care and caution in the collation of facts, which it is the object of this society to record and perpetuate.

Although the county of Livingston is at this time little more than a half century old as a county organization, the territory which it embraces forms no unimportant part of the country known as the "Genesee country," or western New York, which has been the theatre of some of the most stirring events that

have stamped their impress upon the pages of history. In the time which I have assigned to myself on this occasion, however, I shall refer to them only as they may relate to the important question of TITLE TO THE SOIL. In the outset I find myself greatly embarrassed with the multitude of notable facts, which deserve attention, but which it is difficult to embrace within the limits of an address.

THE SIX NATIONS OF INDIANS.

On the discovery of this continent, the state of New York was occupied by a fierce and warlike confederacy of Indians; the IROQUOIS, who had carried their conquests into the valley of the Mississippi, and who held in subjection most of the eastern and southern tribes as far as the gulf of Mexico. This confederacy embraced at that time five tribes or nations, the Mohawks, the Oneidas, the Onondagas, the Cayugas and the Senecas, but in 1712 the Tuscaroras, who lived in North Carolina, and who had formed a conspiracy to exterminate their white neighbors, were driven from the country, and were adopted by the Iroquois as a sixth nation, and lived on the lands assigned them, between the Oneidas and Onondagas. The country of the Iroquois was admirably adapted to their wants and protected against the incursions of hostile tribes. "It was called," says Governor Seymour, "the 'long house' or castle, and the different tribes were made guardians of its outlets and defenses. The Senecas, in western New York, were the keepers of the great western gate, which led into the valley of the Mississippi, and the Mohawks, the fiercest and most powerful clan, the keepers of the eastern door or gate, from which they issued to conquer the Algonquins in Canada, or the Mohicans and other tribes of New England." Each nation, according to the testimony of Governor Clinton, was divided into three tribes, the Tortoise, the Bear and the Wolf, and each village was like the cities of the United Netherlands, a distinct republic, and its concerns were managed by its particular chiefs. A distinguishing feature in the character of the confederates, (says the same author,) was an exalted spirit of liberty, which revolted with equal indignation at domestic or foreign control. They looked upon themselves as sovereigns, accountable to none but God alone, whom they called the "Great Spirit." The office of sachem was the reward of personal merit, of great wisdom, or commanding eloquence. It was conferred by silent or general consent, as the spontaneous tribute due to eminent worth. Their captives were never slaves, but were either killed or adopted as a portion of the tribe and on equal terms; generally to supply the place of a son or brother killed in war. They have not inaptly been compared to the ancient Greeks and Romans. In the language of President Dwight, "the Iro-

quois were a very extraordinary people. Had they enjoyed the advantages possessed by the Greeks and Romans there is no reason to believe they would be at all inferior to those celebrated nations. Their minds appear to have been equal to any efforts within the reach of man. Their conquests, if we consider their numbers, and circumstances, were little inferior to those of Rome itself. In their harmony, the unity of their ope rations, the energy of their character, the vastness, vigor and success of their enterprises, and the strength and sublimity of their eloquence, they may be fairly compared with the Greeks." Each year their principal sachems met in general council to discuss and settle important questions of peace or war, and to provide for the general welfare of the various tribes. Unfortunately for them, and for us, they were induced to take up arms against us in our great struggle for American independence, and in conjunction with their Tory and British allies "hung like the scythe of death upon the frontier settlements," and their deeds are inscribed with the scalping knife and the tomahawk, in characters of blood on the fields of Wyoming and Cherry Valley, and on the banks of the Mohawk. In this great struggle it became necessary that the confederates should receive a signal chastisement for their barbarous and cruel incursions, and accordingly General Washington ordered General Sullivan, in 1779, with a large force to march into the Indian country for that purpose. He defeated and drove them from their fortifications near Elmira, and afterwards continued by way of Cayuga and Seneca lakes to the Conesus, finally reaching their principal settlement in this county, destroying their orchards, cornfields and forty villages, the one at Leicester—Little Beard's village—containing 128 houses. This expedition was the finishing blow to savage cruelty and insolence in this state. Their habitations were destroyed, their provinces laid waste, and they were compelled to take refuge under the British cannon at Fort Niagara.

ORIGIN OF REAL ESTATE TITLES IN WESTERN NEW YORK.

The earliest records I have found bearing upon this branch of my subject, is the charter granted by James I., king of England, in 1620, to the Plymouth company, of a tract of land called "New England," extending from the Atlantic to the Pacific. In 1628 a charter was granted by Charles I. to Massachusetts, and a second charter to the province of Massachusetts bay, extending also from "sea to sea" was given by William and Mary in 1684. In 1663 Charles II. granted to the Duke of York and Albany, afterwards James II., the province of New York, also extending to the Pacific ocean, and embracing portions of the same territory granted to Massachu-

setts. As the country was much of it an unbroken wilderness, inhabited only by Indians, there was no occasion for a conflict of jurisdiction until after the close of the revolutionary war in 1783. On the 1st of March, 1784, New York ceded to the general government all the territory which the state theretofore claimed west of the present western boundary of our state; and in 1785 Massachusetts made a similar grant. The conflicting claims of New York and Massachusetts to that portion of the state west of what is now the eastern boundary of Ontario and Yates counties, running through to the Pennsylvania line on the south, and Lake Ontario on the north, was left unadjusted; but the whole subject was by consent referred to a commission agreed upon by the two states, which met at Hartford, Conn., on the 10th of December, 1786. This commission decided that Massachusetts should cede to New York all claim to the "government sovereignty and jurisdiction" of the territory in controversy, and New York should cede to Massachusetts the "right of pre-emption of the soil from the native Indians." This embraced the whole territory known as western New York. Massachusetts having thus acquired an undisputed pre-emptive title to the soil, subject to the Indian ownership and occupancy, it was put into market.

On the 1st of April, 1788, Oliver Phelps and Nathaniel Gorham, two enterprising New England speculators, associated with others, purchased of the state of Massachusetts the pre-emption of this whole region estimated at between 7,000,000 and 8,000,000 acres, but finding it impracticable to meet their payments, they subsequently surrendered all that portion of the territory which lies west of the Genesee river. In July of that year these gentlemen made a treaty with the Seneca Indians on the borders of Canandaigua lake, by which the Indian title was extinguished on the land lying between the eastern boundary, (the center of Seneca lake) and the Genesee river, and commenced the settlement of western New York on this territory. On the 18th of November, 1790, Messrs. Phelps and Gorham sold to Robert Morris of Philadelphia, known as the great financier of the revolution, 1,200,000 acres of their purchase, reserving what had been previously sold by them, and two townships in addition. Mr. Morris the next year sold this whole tract, through William Temple Franklin, a grandson of Benjamin Franklin, to Sir William Pultney, Governor Hornby and others, and the lands were conveyed to Charles Williamson, as their attorney, to manage and sell. This is the origin of the Pultney estate successively managed by Colonel Williamson, Robert Troup, W. W. McKay, Joseph Fellows and B. F. Young, embracing the now counties of Ontario, Yates and Steuben and large portions of Wayne, Monroe, Schuyler, Allegany, Chemung and Livingston. At this early period the

principal settlements were at Geneva, Canandaigua, Bath and Sodus Bay.

THE TREATY OF BIG TREE.

In 1790 there were less than 1,000 white inhabitants in this whole region from Seneca lake to the Niagara frontier. The next year, however, encouraged by the situation, climate and soil, a considerable addition was made. That year Robert Morris purchased the pre-emption from Massachusetts, of all the land west of the Genesee river theretofore surrendered by Phelps and Gorham, estimated at 4,000,000 acres, for a shilling an acre. In 1792 Mr. Morris sold the principal part of this vast domain to a company of Dutch capitalists known as the "Holland land company," the trustees being Herman LeRoy, William Bayard, Matthew Clarkson, Gerrett Boone and John Linklaen, and by the terms of the sale bound himself to extinguish the Indian title. One hundred and seventy-five thousand dollars of the purchase money being retained by the purchasers until this should be accomplished. Five or six years transpired before Mr. Morris deemed it prudent to apply to the president to appoint a commission to make this treaty. As characteristic of the man and the times, I have thought it of sufficient interest to re-produce the letter addressed to "George Washington, Esquire" for this purpose. It is dated:

PHILADELPHIA, August 25th, 1796.

SIR:—In the year 1791 I purchased of the state of Massachusetts a tract of country lying within the boundaries of the state of New York, which had been ceded by the latter to the former state under the sanction and with the concurrence of the congress of the United States. This tract of land is bounded on the east by the Genesee river, to the north by Lake Ontario, to the west partly by Lake Erie, and partly by the boundary line of the Pennsylvania triangle, and to the south by the north boundary line of the state of Pennsylvania. A printed brief of title I take the liberty to transmit herewith. To perfect the title it is necessary to purchase of the Seneca nation of Indians their native right; which I should have done soon after the purchase was made of the state of Massachusetts, but that I felt myself restrained from doing so by motives of public consideration.

The war between the western Indian nations and the United States did not extend to the six nations of which the Seneca nation is one; and as I apprehended that if this nation should sell its right during the existence of that war, they might the more readily be induced to join the enemies of our country, I was determined not to make the purchase while that war lasted.

When peace was made with the Indian nations I turned my thoughts towards the purchase, which is to me an object very interesting; but upon it being represented that a little longer patience, until the western posts should be delivered up by the British government, might still be public utility, I concluded to wait for that event also. which is now happily accomplished, and there seems no obstacle remaining to restrain me from making the purchase, especially as I have reason to believe the Indians are desirous to make the sale.

The delays which have already taken place and that arose solely from the considerations above mentioned, have been extremely detrimental to my private affairs; but still being desirou to comply with formalities prescribed by certain laws of the United States, although those laws do not probably reach my case, I now make application to the president of the United States and request that he will nominate and appoint a commissioner to be present and preside at a treaty, which he will be pleased to authorize to be held with the Seneca nation, for the purpose of enabling me to make a purchase in conformity with the formalities required by law of the tract of country for which I have already paid a large sum of money. My right to the pre-emption is unequivocal, and the land has become so necessary to the growing population and surrounding settlements, that it is with difficulty that the white people can be restrained from squattering or settling down upon these lands, which, if they should do it, may probably bring on contentions with the six nations.

This will be prevented by a timely, fair and honorable purchase.

This proposed treaty ought to be held immediately before the hunting season, or another year will be lost, as the Indians cannot be collected during that season

The loss of another year under the payments thus made for these lands would be ruinous to my affairs; and as I have paid so great deference to public considerations whilst they did exist, I expect and hope that my request will be readily granted now, when there can be no cause of delay; especially if the Indians are willing to sell, which will be tested by the offer to buy.

With the most perfect esteem and respect, I am, sir, your most obedient and most humble servant,

ROBERT MORRIS.

GEORGE WASHINGTON, Esq,
President of the United States.

The president appointed Colonel Jeremiah Wadsworth of Connecticut, General Shepard was designated by Massachusetts, Captain Horatio Jones and Captain Jasper Parish were selected as interpreters, and James Rees of Geneva as secretary, Captain Chapin, then superintendent of Indian affairs, Charles Williamson in behalf of the Pultney estate, William Bayard to represent the Holland land company; Thomas Morris, in behalf of his father, and two young gentlemen from Holland, by the name of Van Staphorst were also present. The residence of William Wadsworth, a log house west of the present site of Geneseo, and near "Big Tree's" village, was hired for the use of the commissioners; and a large council house covered by branches and boughs of trees, was prepared for the convenience of the negotiation which lasted three or four weeks. The sale was violently opposed by Red Jacket, and a majority of the sachems, and had finally to be made with the women and warriors, as according to their usages their sachems have a right to transact all the business of the nation, whether it refers to their lands or otherwise, but where it relates to their lands alone, and they are dissatisfied with the management of the sachems, the women and warriors have the right to divest them of their power and take the matter in their own hands. This was done at this celebrated treaty at Big Tree in 1797, thus giving us the first practical illustration of "Women's rights," in the early period of our settlements.

The constitution of this state prior to the adoption of the federal constitution in 1787 prohibited the purchase from the Indians of lands within the boundaries of the state without the sanction of the legislature. But in order to evade this provision John Livingston of Oak Hill, Columbia county, associated with a company for that purpose, in 1786, procured from the Indians two leases of all the lands possessed by the Six Nations for a term of 999 years, the consideration being $20,000 in hand, and an annual payment of $2,000; and a number of sales were made by this company to settlers, who took possession of various portions of the land. The legislature, however, under the recommendation of George Clinton, the then governor, promptly declared these leases a violation of the law, and the sheriff of Herkimer county, which then extended over the territory, was ordered with a posse of sixty men from Whitestown and vicinity to remove these intruders upon the Indian lands and burn their dwellings. Two of the number

were arrested for treason and taken to New York, the then capital. Subsequently, however, Mr. Livingston and his associates made a daring attempt to set up an independent state government for central and western New York. These efforts were continued for several years, and produced the most serious alarm among those settlers who were favorably disposed towards the constituted authorities. The formidable character of this movement is best exhibited by the proceedings of a public meeting, held at Canandaigua in opposition, in November, 1793, which was presided over by a gentleman who afterwards bore a distinguished part in the annals of Ontario county, Judge Timothy Hosmer. The proceedings state that,

> Whereas, Certain restless and turbulent characters from the eastern district of this state, evilly disposed towards this country, have, for some time past, endeavored to stir up sedition among the peaceable inhabitants thereof, and to excite them to acts both treasonable and improper; and,
>
> Whereas, They have proposed to many individuals of the county that the county of Ontario, in conjunction with that of Otsego, and part of Tioga and Herkimer, should immediately shake off all allegiance and dependence from the state of New York, and support their independence by force of arms, in case the state should be unwilling to ratify and confirm the same; and,
>
> Whereas, The passions of the dishonest and disorderly, of the ambitious and the timid, have been flattered by the expectation of having laws passed for the screening of individuals from the payment of their just debts for six years, and they have been falsely told that all the Indian lands, as well as those belonging to the state of New York as those which the said state, together with Massachusetts, have guaranteed to individuals, should become a prey to the rapacity of their hungry followers, and have engaged to support these measures by a number of armed troops, collected from Vermont and elsewhere in case of opposition; therefore,
>
> Resolved, That the inhabitants of Ontario, sensible of the many advantages that they have derived from their connection with one of the most respectable states in the union, and desirous of the continuation of the same advantages, highly resent the ill-timed and improper attempt made by the characters above alluded to, to disturb their peace and harmony, and they conceive their measures are pregnant with danger, and such as if carried into effect would introduce into our infant country all the complicated evils which anarchy and confusion can create.

The new state was to embrace the whole of western New York, but by the energetic action of the state authorities, aided by the efforts of the better class of citizens, the scheme was abandoned. It, however, forms a most interesting episode in our early history, and we should be grateful to those sturdy patriots who raised their voices against it. By the terms of the treaty of 1797, no less than 338 square miles was still reserved to the Senecas. But the "land sharks and speculators were on their trail," and in 1838 a treaty with this once powerful tribe was made at Buffalo, at which the remainder of their lands were sold, and there is now scarcely an Indian to be found within the borders of our territory. In the order of Providence they have been compelled to recede before the march of civilization and improvement, and I am free to confess that I do not sympathize with those whose maudlin philanthropy for the savage would desire it otherwise.

Before concluding, I may be pardoned for expressing the obligations which our society and the citizens of our valley owe to those who have taken so much pains to preserve in enduring form, the history of western New York. Mr. Stone, in his

life of Red Jacket, Mr. Turner, in his history of the Holland purchase, Mr. Seaver, in his life of Mary Jamison, Henry O'Reilly, in his history of Rochester and Western New York, and his valuable contributions to the New York historical society, Dr. O'Callahan, in his documentary history of New York, the late Thomas Morris, for his excellent personal narrative, the late lamented poet Hosmer, who has made the scenes of his boyhood classic, Mr. Proctor, in the field of biography, also Dr. M. H. Mills, Mr. Norman Seymour, our secretary, and especially the late Lockwood L. Doty and A. Tiffany Norton, for their elaborate history of Livingston county. Some of these publications, like all human efforts, are open to criticism, and I feel compelled to notice a natural error in the last named work regarding the origin of the name "Big Tree," the original name of the village of Geneseo. On page 520 it is stated that "the name is a designation rather vaguely given to that part of the town embracing the village and immediately west of it, derived from a great oak, which stood on the bank of the river." This is an error. The name was derived from an Indian chief of that name, whose village was here, as Little Beard's village in Leicester was named from a chief who bore that name. This I was assured by the late Captain Jones, who was for a long time a captive with the Senecas, and I observe Big Tree signed the treaty of 1797, and his name is also appended to a communication with Corn Planter and Half Town to General Washington in 1790. The site of Big Tree's village was something over a third of a mile west of what is now the most populous part of the present village of Geneseo, and it was near there where the log house of General Wadsworth stood, which was hired for the use of the commissioners pending the negotiations which resulted in the treaty of 1797, to which I have referred.

As will be observed, I have been enabled to glance at only two or three of the more important events in our history, which do not seem to have attracted the attention they deserve.

The early years of the century which has just closed, are full of dramatic and stirring incidents in this valley, which have had an important bearing upon the character of our population. The pioneers of "the Genesee country," whether impelled hither by a love of adventure or the desire to improve their financial condition, were in the main a devoted band of hardy and enterprising adventurers, in whose veins might be found the best blood of New England, intermingled with that of Holland and Scotland, and it may be justly said they were "a race that would not bow the knee to aught but God,"—bold, enterprising and independent; they subdued and brought into cultivation a region unequaled in natural fertility and beauty, and have left us a heritage which has not inaptly been styled the

"Garden of America." Having myself had an opportunity of seeing no inconsiderable portion of the earth's surface, I am justified in saying that it is difficult to find on this continent, or elsewhere, a fairer land, or one which at this day combines in a greater degree all the elements which constitute moral, educational and agricultural supremacy.

It is the mission of this society to preserve in an enduring form, and with religious care, a truthful record of the interesting events of our early history, and of the sacrifices, privations and dangers of those to whom we are so deeply indebted. Let not the splendor of their achievements be dimmed by the lapse of time.

ADDRESS BY L. B. PROCTOR, ESQ.,

ON PRESENTING PORTRAIT OF GOV. JOHN YOUNG.

MR. PRESIDENT AND GENTLEMEN:—The primal object of our society is to gather up the facts and incidents connected with the history of Livingston county, together with the fast fading reminiscences of those whose lives and career are identified with it, placing them where posterity may look upon them, and as "history is philosophy teaching by example," thus enabling them to learn the struggles, vicissitudes and privations of the early residents of the county, and to profit by their example. It is scarcely possible to overestimate the benefits which the future history of the county will derive from keeping steadily before its citizens the career of its worthies. For, the effect of high, pure and generous characters on the public mind, secured as we hope to secure them by our society, is always beneficial. The history of Livingston county is second to no other in interest, at least among the rural counties. It has been made so by the names of men who have a historic record—names familiar in the annals of the state and nation.

It has become my duty—a pleasant duty indeed—as a member of our county historical society, to refer briefly to a former citizen of our county—one who, without advantageous circumstances to aid him, gained a conspicuous place in the annals, not only of his native county, but a place among those who, from the executive chair of the Empire state, governed its destinies as its chief magistrate and ruler. I allude, citizens of

Livingston county, to your distinguished citizen, the Hon. John Young—eminent at your bar and the bar of the state, in our own legislature, as a representative in congress, a leader in parliamentary debate, possessed of much of the subtle knowledge of men, and the springs of human action, constituting the skillful and successful parliamentary leader. While the world is wearied with statesmen and legislators degraded into mere politicians, and of orators who pander to the tastes of the times, for their own petty aggrandisement, it is pleasant and profitable to turn to the career of a man like John Young, above the managing horde of politicians—ignoble to-day—inflated into ephemeral greatness by political trickery to morrow, and the next day lost in their original obscurity.

Though nearly thirty years have passed away since all that was mortal of Mr. Young, still in the prime of manhood, was consigned to the tomb, yet before that event the painter, seizing a favorable moment, by the beautiful, almost life-like and exquisite blending of lights and shades, preserved his features from "time's effacing fingers." As the gods in their wrath turned Niobe into stone, and as the chisel of Praxiteles, in vivid lineaments, restored her to youth and beauty, so has the pencil of the painter restored or preserved the features of John Young, rescuing them from the hand of death. In the discharge of my duty I have brought them here to-day as a meet offering to the historical society of the county he so fondly loved in life, and where with honest industry, with laudable ambition, with all life's great duties well done, he won his fame and name. Citizens of Livingston county, as in life you loved to honor him, as you often trusted him in high and responsible places, your historical society will discharge a high and pleasing duty in carefully preserving his portrait as an embellishment to the halls, where, in coming years this society will meet as we have met to-day. Having thus, sir, presented the portrait of Mr. Young, as executed by the artist, may I be permitted in an humble way to present briefly here a mental portrait of the honored original.

John Young was a native of the state of Vermont, born in the year 1802, and removed with his parents to the neighboring town of Conesus when but eight years old. It may well be said he was a native of Livingston county. His parents were in humble circumstances, but honorable, intelligent and worthy—true representatives of the pioneers who first made the wilderness bloom. Hence the growth of John Young's capacity was not obscured, nor his mind enervated by pampered indulgence nor by the want of strong incentive to action. "He enjoyed what most parents through life strive to shield their sons from, the benefits of early poverty." His mind grasped after knowledge with the same intuition which

causes the tendril buried in darkness to lift itself into the pervading, bright, life-giving sunbeam. What could not be taught him in the common school, the only institution of learning he ever had access to, he learned by his father's fireside, with no other tutor but self-reliance, energy and perseverance. He purchased the best classical works of the day and devoted himself to them with such untiring industry that he became an excellent, practical classical scholar. He prepared, too, for that most useful—may I not say for that greatest of all professions?—the profession of a teacher. In this vocation he acquired a reputation which was his pride through life, and which gave him the choice of the schools of Livingston county.

The benefits derived from his experience as a teacher were of great value to Mr. Young. It gave his mind that peculiar discipline so necessary to the active duties of life. It taught him self-government; it taught him how to govern others. He was one of those teachers who look with reverence upon every human being committed to his care; and as Canova or Phidias saw in unhewn marble, the majesty, grace, beauty and emotions of the almost breathing statue to be carved from it, so he saw in the undeveloped mind of his pupils, the great, the good, the useful of coming years, and he labored to quicken the young mind to a consciousness of its inward lofty nature.

As Mr. Young grew in years, he naturally gravitated towards the legal profession. In due time he commenced the study of law at Geneseo, supporting himself through his student days by teaching. His toil, self-denial, and devotion to his studies were rewarded by a call to the bar of the supreme court of the state. This event took place at Albany in October, 1829. He had been at the bar but a few years before he was conceded a place in the front rank of his profession.

To attain eminence, surrounded as he was by lawyers of the peerless eloquence and acute professional skill of Mark H. Sibley, Dudley Marvin, Luther C. Peck, John B. Skinner and the inimitable, the accomplished and witty John Baldwin, nothing further need be said of the abilities of Mr. Young. Like most lawyers, John Young had a natural love of politics. He commenced his political career as a democrat. Dazzled by the popularity of Andrew Jackson, he became his ardent supporter and gave his first political labor to the hero of New Orleans. But when political anti-masonry swept over western New York, Mr. Young with William H. Seward, Thurlow Weed, Frederick Whittlesey, Albert H. Tracy, and others, gave his allegiance to that party, adhering to it throughout its ephemeral existence. When the great, and now historic Whig party was founded, he became one of its leaders. He adopted its political tenets with sincerity, and finally died in an honest faith in their truth. In the autumn of 1832 he was elected by the anti-masons member

of assembly from this county, Hon. George W. Patterson being his colleague. In the session of 1832 the anti-masons were led by Francis Granger in the assembly, and in the senate of the state by that brilliant and powerful debator, William H. Maynard of Utica. Mr. Seward was at this time a member of the state senate, but he was overshadowed by Maynard. His great rival was soon removed by death, and Seward soon entered upon that resplendent political career that made him illustrious as a statesman and a diplomat. On entering the legislature Mr. Young soon distinguished himself by the modest, notable manner in which he discharged his duties. Several of his speeches, delivered by him during this session, evince his ability as a debator. In the year 1836 Hon. Philo C. Fuller, another name honored in the annals of Livingston county, then a representative in congress from this district, resigned, and in the autumn of that year John Young was elected his successor.

His congressional record was honorable though not brilliant, and he retired with more than the usual popularity which a new member of congress secures. He was succeeded by Hon. Luther C. Peck, and Young gave his undivided attention to his profession. In the memorable and exciting contest of 1840, John Young was again elected to congress. He took his seat in that body at the famous extra session called by John Tyler —the successor of President Taylor. In this session Mr. Young by his experience was enabled to take a more conspicuous part, and he was soon regarded as one of the ablest members of that house. The extra session continued until August 13, 1841. It again assembled in December following, adjourning August 30th, 1842. It reassembled December 5th, 1842, and continued until March 3d, 1843. The labors of Mr. Young during these protracted sessions were intense and exhaustive. To his party, in the committee room, by his sagacious advice on great partisan measures, by his speeches on the floor of the house he distinguished himself. His speech on the bank bill, vetoed by President Tyler, on the distribution of public lands, the tariff of 1842, are still living mementoes of his labors.

On his return home from congress he was publicly received by the citizens of Geneseo, in a demonstration that reflected great credit not only upon the returning legislator, but upon the citizens themselves. If my memory serves me right, he was received by Hon. William H. Kelsey, in an eloquent speech, to which Mr. Young replied in an address which combined the charm of inimitable grace and urbanity, with expansion of thought—deviating at times from his subject for the purpose of humor, with engaging ease—passing from the severity of reason to the festivity of wit. In the autumn of 1844 the Whigs of Livingston county again summoned Mr. Young

from his professional duties inducing him to accept the nomination for member of assembly. He was elected. His powers as an orator and legislator were never fully developed until he entered the legislature of 1845. Here he attained an eminence seldom reached in a legislative body, and from which he easily reached the executive chair of the state. Horatio Seymour was also a member of this body, and as the Democrats were largely in the ascendency, he was elected speaker of the house. He was then attaining that brilliant reputation that placed him among the most distinguished men of the nation. He found in John Young a rival that required all his skill and talents to meet, one that taxed his powers as a legislative tactician to the uttermost.

The great measure before this legislature and the people of the state was the proposed convention for the amendment of the constitution. The measure was popular throughout the state for the correction of evils that could only be eradicated by constitutional convention. In the legislature of that year the Democrats were divided into factions known as "Hunkers" and "Barnburners." Between these the Whigs held the balance of power. Mr. Young, who early understood the popularity of the proposed convention, adopted that measure as a party policy, which he saw must, if properly managed, lead to success. Under his direction no means were left untried which promised to widen the breach in the Democratic party in the house. His management was admirable and successful. The Hunkers, or radicals, as they were called, were in favor of an amendment to the constitution, but were opposed to a convention, while the Barnburners, or conservatives, were, in fact, opposed to both amendment and convention. When the question came before the assembly Mr. Young delivered a speech against the amendment; the Whigs sustained him, thus compelling the radicals to insist upon a convention rather than encounter the unpopularity of opposing it. The bill for a convention could not pass without the assent of the Whigs, who, of course, would not consent to the passage of any measure which did not tend to strengthen them in the state. And thus the question of a convention was, for a long time, one of all absorbing interest in the legislature, leading to frequent and exciting debates which brought Mr. Seymour and Mr. Young in collision. The final debate which took place between them has rarely been equaled for eloquence and ability. It drew to the capitol crowds of deeply interested auditors, creating as much interest at Albany, as did the great senatorial debate between Webster and Hayne at Washington in 1825. Each was the chieftain of his party—contending for a prize worthy the ambition of such contestants. Both won distinguished honors, and it is not invidious to say that Mr. Young, in this debate placed

himself among the most distinguished parliamentary orators of the state and nation. The convention bill finally passed the assembly on the 22d of April, 1845. The senate concurred, and, receiving the signature of the governor—the immortal Silas Wright—became a law. The passage of this bill was an auspicious day for John Young. It was the successful consummation of a policy which would have added luster to the laurels of Pitt, Fox, Grattan, Clay or Webster. It did not alone aggrandize him, but in the next gubernatorial election it tended largely to the success of the Whig party in the state.

Mr. Young was again elected to the assembly in the autumn of 1845. A prominent feature in Mr. Young's character as a parliamentary leader was his intellectual independence. This, too, was one of his faults—a fault that divorced him from his early friends whose advice he openly and somewhat cavalierly declined. His style of speaking was chaste, forcible and harmonious,—sometimes a model of graceful variety—without the slightest mannerism or straining after effect. Good sense and wit were strong weapons in his oratory; shrewdness in detecting the weak points of his adversary, while the stability of his intellect enabled him to expose them with happy facility.

On the 22d of September, 1846, he was nominated for governor of the state at the Whig convention that assembled at Utica. A hotly contested election resulted in his success against that great American statesman, Silas Wright. He entered on his executive duties and sustained his party, then triumphant in the state.

His first message was distinguished, and severely criticised for its singular brevity; and yet, in many respects, it was a dignified state document. It was in this message that he recommended standing by our country in the then pending Mexican war, right or wrong.

I have already alluded to Mr. Young's native independence of character. As governor of the state he ignored the advice of the great father of the lobby, Thurlow Weed, creating a breach with that great Almoner and himself that was never healed. It is related that soon after Mr. Young assumed the duties of his office, Mr. Weed and another leading politician called upon him for the purpose of influencing him on the question of executive appointments. "Gentlemen," said he, after listening to them for some time, "Gentlemen, allow me to inquire who is governor of the state of New York?" "Why, you, of course, Mr. Young," was the reply. "Then I propose to discharge the duties of that office myself." "Are we to understand that you decline to appoint these men?" "Certainly, until I am myself satisfied concerning their qualifications and merits." They withdrew. "High reaching Buckingham is growing circumspect," said Weed, as he descended the steps

of the executive mansion. "And his circumspection will send him to private life," said his companion.

Among the first acts of his administration was pardoning almost indiscriminately the anti-renters in state prison for arson, outrage and murder. In this act he incurred the displeasure of the conservative wing of the Whig party, and the usual severe criticism and condemnation of the press followed. The friends of the governor defended him, however, by arguing that the offences of the convicts were merely political, and therefore called for the interposition of the pardoning power.

During his administration the question of the extension of slavery in the territory to be acquired from Mexico began to be agitated, and, recommended by him, resolutions were adopted in the legislature instructing our senators and representatives in congress to vote for the prohibition of slavery in such teritory, thus evincing his views on a question, the settlement of which subsequently led to such a bloody arbitrament.

The manners and bearing of Mr. Young were affable, free from reserve or false dignity or affectation. In fact, he possessed many traits of character that rendered Daniel D. Tompkins so eminently popular. I do not insist that John Young was a great man in the sense that we regard Seward, Wright, Webster and Clay, but he ranks as the superior of many of the governors of our state, and as the inferior of few.

Thus we have seen him as the artificer of his own fortune, the solitary humble student, teacher, lawyer, legislator, and finally governor of the empire state. Often eulogized, frequently vituperated, but in all phases of his life more than ordinarily successful. As governor of the state his administration may not be distinguished for any striking policy, nor may it dazzle as by any striking contrasts between its good and bad qualities, but between the vicissitudes of prosperous and adverse politics; apart from the censure of its enemies, and the commendation of its friends, the impartial historian will accord to it as much ability and eminence as has been awarded to his predecessors.

ADDRESS BY MRS. B. L. HOVEY,

PRESENTING THE WILLIAM SCOTT RELIC.

It is with pleasure and interest I meet you on this occasion, to fulfill a sacred trust committed to me by the late Wm. Scott of Scottsburgh, who died at Rochester in June, 1876. During his last days I was often by his bedside and listened to his last and earnest words. Among his sayings then was the request that I should secure from the Monroe County Pioneer Society (that was disbanded,) a medal held and owned by the oldest female member. This medal was made from a piece of General Washington's coffin, and was obtained by Mr. Scott on one of his visits to the Arlington House, Virginia, the home of Mr. Custis, the second youngest son of Martha Washington. The wood with which the medal is made, is beyond doubt a piece of the coffin which contained the body of the father of his country, as it was obtained by Mr. Scott soon after his remains were finally removed in a sarcophagus at Mount Vernon.

In the name of William Scott, deceased, I present this relic to the Livingston County Historical Society. Its value is most appreciated by those who knew the donor best, and will be cherished by those who have so often listened to the historic tales of a citizen so deservedly respected. You owe much of the authentic history of your country to him. I am pleased to be here to record his deep interest to the last in the people and history of Livingston county.

ADDRESS BY MR. NORMAN SEYMOUR,

OR RECEIVING THE PORTRAIT OF GOV. YOUNG.

Sir:—In receiving from you at this time this invaluable gift, it will be expected that I should add a word to the eloquent tribute you have given of the eminent man whom in his prime and manhood it so faithfully delineates.

John Young was born in Bennington, Vermont, in 1804; he removed with his parents in 1808, when four years old, to Freeport, now Conesus, Livingston county; he attended and graduated from the academy at Lima; at the age of 16 he taught his first school in Conesus; (the venerable Jotham Clark then trustee;) his wages $9 per month; about 1823 he entered the law office of A. A. Bennett of East Avon; in 1829 he was admitted to practice in the supreme court, and opened an office

at Geneseo; in 1832, with Hon. George W. Patterson he was elected member of assembly from this county; he was representative in the 24th congress from this congressional district from 1833 to '37, and in the 27th congress from 1841 to '43; he was also member of assembly in the years 1845-6. As a Whig in 1846 he was chosen governor of this state, by about 11,000 majority, over, at that time, the Nestor of the Democracy, Hon. Silas Wright.

Geneseo, on the night of the fourth of November, that year, was brilliant and enthusiastic, and the ovation it so generously gave to the governor elect was as highly creditable to the town as it was deserved by the worthy and honorable citizen who had been chosen to the gubernatorial chair of the empire state. In July, 1849, he was appointed to the responsible position of assistant United States treasurer at New York, which position he held most acceptably to the public until his death.

John Young was an accomplished gentleman and able lawyer, an earnest man, of extensive legal knowledge, who occupied the front rank in his profession; in his public speeches and at the bar he was the same logical, terse, and impressive speaker; his addresses and arguments were rarely written out, but thoroughly worked up in his room or office. He was an eminent jurist and a most successful advocate. Some of the most complete and exhaustive arguments in legal cases ever presented before our state and United States' courts, flowed from his lips, with not a paper or brief before him. He had a remarkable memory, and a most thorough and true discernment of men, and human nature in all its phases. As a public man, either as a legislator, congressman, or governor, he shared most fully the confidence of the people and was highly respected by all. The most humble citizen of our commonwealth, always even in the press of business, would find him ready to listen to and if possible assist him; he was a positive and true man, one of the people, a representative man, of rare kindness of heart, genial disposition, bland manners, and of untiring industry, his public and private record proved his integrity to have been as unbending as granite.

In the prime of life, surrounded by many warm and ardent friends, his constitution, which for years had been impaired by a conscientious discharge of every duty that devolved upon him, finally gave way, and he died in the city of New York, April 23, 1852, his death widely lamented. In the beautiful cemetery at Temple Hill, Geneseo, he was buried, in accord with his last desire, to rest in the town, and with the people he so dearly loved. Around the marble shaft that marks his resting place the world gently treads, the memories of his stirring and eventful life inspiring all to a keener love and devotion to humanity and our common country.

Livingston county has had but one John Young; his name and fame, his unflinching integrity, rare natural abilities, and earnest devotion to our country, "either right or wrong," is now her glory and her pride, and for all time will his manly virtues add lustre and renown to the historians' page.

Sir, it is with great pleasure, then, that the Livingston County Historical Society accepts this truthful portrait of one of Livingston county's favorite and noble sons. We assure you it will be cherished "as one of our household gods." It shall ever be our pride to point our sons to the marked and active life of John Young, who, though denied a liberal education, by his patience, determined industry, and indefatigable efforts, early arose from the humble walks of life to distinguished positions of trust and fame.

In closing, allow me to remark, that it is eminently fitting that with a record so historic and prolific of public men, who have adorned so many positions in our state and nation, our county should take earnest and prompt measures to perpetuate their great abilities and indomitable patriotism; their success was our joy, their reward an illustrious immortality. In all of the active duties of life may we who now occupy this "beautiful valley" do honor to the brilliant and imperishable record of the pioneers, and long line of worthy men who have honored the county of Livingston.

ADDRESS BY DR. M. H. MILLS,

ON THE WILLIAM SCOTT LEGACY.

MR. PRESIDENT AND BOARD OF COUNCILMEN:—I am gratified on being able to announce to you that the late Hon. William Scott of Scottsburgh, N. Y., made in his dying will a "bequest" to the Livingston County Historical society.

The following letter and extracts from the will explain the intent and wishes of the testator:

SCOTTSBURGH, JUNE 15, 1876.

FRIEND MILLS:—By request of Wm. Scott, I send you to-day, by mail, Gen. Washington's manuscripts, containing his accounts with the United States for eight years, from June, 1775, to June 1783, covering the period of the revolutionary war.

Mr. Scott's request is, that you and Mr. Seymour have the use of this book for the benefit of the Livingston County Historical society, and when done with it, present it to the Wadsworth library in the name of the Hon. Wm. Scott of Scottsburgh.

Mr. Scott is comfortable to-day, and thinks of going to Rochester to St. Mary's hospital on Monday next, where he can receive the best of medical treatment and care.

Yours respectfully,

JOHN SHEPARD.

Extracts from the last will and testament of William Scott:

"I give to Dr. Mills and Norman Seymour of Mt. Morris, for the benefit of the Livingston County Historical society, all my manuscript letters, bound newspapers, and all my library which they may want. I order and direct that a gold medal presented by me to the Monroe Pioneer society, which is now disbanded, be handed over to Dr. Mills, and by him presented to the historical society of Livingston county from Wm. Scott. The medal was last worn by Mrs. Enos. Said medal belongs to me now."

Dated June 5th, 1876.

JOHN SHEPARD,
Executor of the last will of Wm. Scott, deceased.

The following is a schedule of the bound books and manuscripts:

NEWSPAPERS—1 bound vol. Livingston Democrat, 1835; 1 do. Livingston Register, 1827; 1 do. Ontario Repository, 1827; 2 do. Albany Weekly Journal; 3 do. N. Y. Advertiser and Express, 1838, '39 and '40; 3 do. National Journal; 1 do. Athenian and Visitor; 2 do. Trumpet and Universalists' magazine.

BOOKS—1 bound volume Geological Survey of New York, 1836; 1 do. Sample-book, Doty's History of Livingston County; 1 do. All Religion to the World; 1 do. Gen. McClellan's Report of the War; 1 do. Valentine's History N. Y. City; 1 do. Memoir of Aaron Burr; 1 do. Haywood's U. S. Gazetteer; 1 do. American Antiquities; 1 do. Livingston County Directory, 1868; 1 do. Dictionary U. S. Congress; 1 do. Constitution of U. S.; 1 do. History U. S. by Miller; 3 do. Documentary History N. Y.; 2 do. Biography of Millard Fillmore; 1 do. Colonization of U. S., by Bancroft; 1 do. History of the World; 1 do. Biography of John C. Calhoun; 1 do. Gazetteer of New York; 1 do. Vienna Bread; John Quincy's Oration on Lafayette, 1835; Historical Lecture, by George P. Folsom, 1868; Life of John Tyler, 1843; Wm. Scott's Scrap Book.

MISCELLANEOUS—1 map of Stonerburg's Expedition; Farmer's Almanac, 1841; Daboll's Arithmetic; Washington's manuscripts, containing his personal accounts with the U. S. from 1775 to 1783, covering the entire period of the war of independence.

The foregoing letter informing me of Mr. Scott's bequests to the society, was not received until a year after it was written. It was then found in a book in Mr. Scott's library. This will account for no mention being made of the "legacy" at the last meeting of this society, which was the first one following Mr. Scott's death. At that meeting the pleasing though sad duty was imposed upon me to announce the death of the Hon. Wm. Scott, a member of this society, coupled with a brief history of his life and character. Little therefore remains for me on this occasion to say, more than to refer you and those present, to my remarks on that occasion, which were published in our county papers. I beg your indulgence for a few minutes, whilst I briefly allude, at this time, to some of the many virtues and excellent traits of character of an esteemed and worthy deceased friend, in connection with his bequest to this society.

Mr. Scott was born in Bethel, Northampton county, Pa., on the 18th day of July, 1790. He died in Rochester on the 24th day of June, 1876, from chronic gastritis, in the 86th year of his age, after a somewhat protracted illness, accompanied with much suffering. He came, when 16 years of age, into what is now Livingston county, with his father's family, in 1806, and settled four miles east of the present village of Scottsburgh. The first income received from his industry in the valley, was two bushels of ears of corn, worth forty cents, for a day's work. Remaining thus engaged nearly one month, a staple article of food when manufactured into meal was thus provided, and laid in store by young Scott for the family's winter use.

He was the founder of the village of Scottsburgh in this county, and was justice of the peace for nearly 20 years. Unlike the profession generally, if his neighbors came to him before they got into the law, it rarely happened that he failed to keep them out of the law by adjusting matters between them, on the basis of a compromise and settlement. At the same time he preserved and maintained a kindly neighborhood feeling. He was emphatically a peace maker, as well as the administrator of justice, for so many years in the community in which he resided. He was elected a member of the legislature in 1837, re-elected in 1838, and declined the nomination for a third term. In politics he was a Henry Clay whig. His name is a familiar household word among the pioneers and early settlers of this county. His associations were among the most eminent men of our locality, and extended even to the most distinguished men of the nation.

Before the era of railroads in our country, he traveled from Scottsburgh with a mule team to Washington city and Arlington Heights, taking with him an only child, and little son. The real purpose of the journey was to visit George Washington Park Custis, out of the love and admiration he had for his step-father, George Washington. He desired to learn personally from Mr. Custis something more of the public and private character of the father of his country. On arriving at Washington Mr. Scott sought and obtained from the mayor of the city a letter of introduction to Mr. Custis. He was hospitably received at Arlington. He remained one day and two nights. During the visit, Mr. Scott was shown all of George Washington's relics in the possession of the Custis family, including his table furniture in dining-room, &c., &c. He learned from Mr. Custis also the personal and domestic habits of George Washington at home, in public life, and on the plantation. One circumstance the writer remembers hearing Mr. Scott relate. That on the ringing of the bell announcing the meal was ready, Washington allowed his guests and family five minutes in which to assemble and be seated at the table. If the guests were not at the table by that time, the family proceeded with their meal without further delay. When the guest or guests did appear, Gen. Washington would simply say, "*You will please observe we are prompt people here.*"

It was on the occasion of this visit that Mr. Scott obtained a piece of Washington's coffin. It is this bit of wood, mounted with gold, which is the medal presented to-day to the society by Mrs. Dr. B. L. Hovey of Rochester, accompanied by well chosen remarks, delivered in a pleasing manner. Shortly prior to this visit the remains of Washington and his wife had been removed from the mahogany coffins and placed in marble sarcophagus, which to-day enshrines their precious dust.

The unbounded affection which Mr. Scott entertained for his own family was perhaps the most central and distinguishing trait in his character. We doubt whether there could be found a man, in any part of the world, who entertained a deeper and warmer regard for the members of his family. This sacred family circle, we trust, is again complete, the last living member having now departed.

In conclusion, it may be said of the Hon. Wm. Scott, that he led a blameless life, and died without leaving a personal enemy to speak unkindly of his memory. Whether in circumstances of affluence, or in limited means, he was the same considerate gentleman—cautious, and careful not to offend or injure the feelings of others. In the meridian of life he was wealthy; though his setting sun was clouded by misfortune and pecuniary losses, yet he died rich. He left a good name and memory to his kindred, which will be perpetuated on the pages of history, when crumbling marble shall cease to hand down to posterity the names engraved upon it.

Mt. Morris, N. Y., Jan. 7, 1878.

RESOLUTIONS:

OFFERED BY HON. W. M. WHITE.

Resolved, That the thanks of the Society be given to Hon. B. F. Angel for his scholarly, interesting and eloquent address, and that a copy of the same be requested for publication.

Resolved, That the thanks of the Society be tendered to Major L. B. Proctor for his valuable and historical offering to the Society, the portrait of the late Gov. John Young.

Resolved, That the Society accept this cherished memorial of one of Livingston's favorite sons, one whom she delighted to honor, and whose memory she loves to cherish.

Resolved, That the Society recognizes and appreciates the thoughtfulness and kindness that has prompted this gift, as well as the wisdom, the happy choice of expression, and the eloquent words accompanying the presentation.

Resolved, That the Secretary be directed to convey to Mr. Proctor, in writing, the above assurances.

Resolved, That the papers of the county be requested to publish the proceedings of the Society with the addresses, &c.

HISTORY OF THE ORGANIZATION

OF

THE LIVINGSTON COUNTY HISTORICAL SOCIETY.

In December, 1875, initiatory steps were taken at a meeting of a few persons in Dansville to organize a historical society for Livingston county.

An adjourned meeting was held at Mt. Morris in January, 1876. There were present at this meeting, L. B. Proctor of Dansville, Norman Seymour and Dr. M. H. Mills of Mt. Morris, Richard Peck of Lima, George W. Root of York, and E. P. Fuller of Grand Rapids, Mich., formerly of this county. The meeting was organized by appointing Dr. M. H. Mills chairman, and Norman Seymour secretary.

The request of the Centennial Commission at Philadelphia that in each county in the United States a historical address be prepared, publicly delivered July 4th, 1876, and then forwarded to the capitol at Washington for record, was complied with on behalf of the society by its secretary, Norman Seymour of Mt. Morris. The address has been largely added to, and when completed will comprise a full history of the county, its most prominent pioneers and notable reminiscences. Should it not be published by the state, as contemplated by the Centennial Commission, it will be published at an early day under the auspices of this society, or, if the author prefers, by private enterprise. The work is voluminous, and one of great local interest.

The following gentlemen were chosen officers of the society for the year 1876:

President—Dr. D. H. Fitzhugh.

Vice Presidents—Dr. James Faulkner, William Scott, Adolphus Watkins, Dr. D. H. Bissell, Deacon John McCall.

Secretary—Norman Seymour.

Executive Committee—Hon. B. F. Angel, Dr. M. H. Mills, Samuel P. Allen, L. B. Proctor, Richard Peck, George W. Root.

The meeting adjourned to meet in Geneseo on the 14th day of June, to determine at what village in the county the historical address should be delivered. Present, Hon. B. F. Angel, Samuel P. Allen, Hon. W. H. Kelsey and Dr. M. H. Mills. Dr. Mills was chosen chairman, and S. P. Allen secretary. It was decided by ballot that the address should be delivered at Geneseo, the county seat of Livingston county. The meeting then adjourned *sine die*.

Due notice was given that a meeting of the society would be held on the 13th of February, 1877. The society met at the beautiful rooms of the Hook and Ladder company, the use of which was very kindly tendered by the officers. Dr. M. H. Mills was chosen chairman and Norman Seymour secretary.

The chairman gave a brief history of the society and mentioned the great work it has already accomplished by the indefatigable efforts of its secretary, in preparing a heretofore unwritten history of the respective towns of the county. This, when completed and published, it was believed, would be a thorough, reliable and complete history of the county. All this had been accomplished the first year of the society's existence, and that, too, before the organization had been completed. The object of the meeting was to adopt a constitution and by-laws for the government of the society, and also a certificate of organization of the society, which, under the laws of the state, is required to be put on file in the Secretary of State's office in Albany, and in the office of the county clerk of Livingston county.

The following Constitution and By-Laws and Certificate of Organization, submitted by Dr. M. H. Mills, were then unanimously adopted:

CONSTITUTION.

SECTION 1. This Society shall be called THE LIVINGSTON COUNTY HISTORICAL SOCIETY.

§ 2. The general object of the Society shall be to discover, procure, and preserve whatever may relate to the history of Western New York in general and Livingston county and its towns in particular, and to gather such statistics of education and population, growth and prosperity, and business of this region, as may seem advisable or of public utility.

§ 3. The Society shall consist of resident, corresponding and honorary members, who shall be elected by a majority of ballots; and of life members, as hereinafter provided. Resident members shall consist of persons residing in Livingston county, N. Y.; corresponding and honorary members of persons residing elsewhere.

§ 4. The officers of the Society shall consist of a President, a Vice President, a Secretary and Treasurer, and nine councilors of administration, who shall constitute a "Board of Managers," and shall be elected annually on the second Tuesday in January in each year by a majority of ballots.

§ 5. None but resident and life members shall be eligible to office or qualified to vote.

§ 6. Members shall pay an admission fee of one dollar, and also an annual due of one dollar, which shall be paid on or before the first day of July in each year following their election. The election of a resident member shall confer no privileges of membership until his admission fee shall be paid. The payment of the annual dues shall be a condition of continued membership. In case any member neglects to pay his annual due before the first day of July next, after it becomes payable, he shall thereby forfeit all his privileges of membership. Resident clergymen are exempt from dues.

§ 7. The payment of $10 at any one time, for that purpose, shall constitute a life member, exempt from all annual dues.

§ 8. The Society shall meet annually on the second Tuesday of January. The President, or in his absence the Vice President, or the Secretary and Treasurer, may direct the call of a special meeting in such manner as the By-Laws shall provide.

§ 9. Those members who shall attend at any regular meeting of the Society shall constitute a quorum for the transaction of business. The same rule shall apply to any other meeting of the Society, providing its action is approved of by the Board of Council or a majority of the members thereof.

§ 10. All officers shall continue in office until their successors are elected or appointed. Their duties when not herein defined may be prescribed by the By-Laws. All vacancies in office may be filled for the unexpired term by the Board of Council. A majority of the members present at any regular meeting called for the purpose, by the President or Secretary and Treasurer of the Society, shall constitute a quorum to do business.

§ 11. This constitution may be amended and changed from time to time by a majority vote of the members present at any annual meeting of the Society provided due notice of the proposed amendments be given at least four weeks previous to a final vote thereon.

BY-LAWS.

CLAUSE 1. The annual meetings of this Society shall be held on the second Tuesday in January, at such village in the county as the President shall designate, and at such hour as the Secretary in the notice of such meeting shall name.

CLAUSE 2. The Secretary shall give notice of such meeting by publication in all of the county papers for two successive weeks prior to the meeting, and also enclose by mail a special notice to the post office address of each officer of the society at least ten days prior to such meeting.

CLAUSE 3. Any meeting may be adjourned to such time as a majority of the members present shall determine.

CLAUSE 4. The President shall preside at the meetings of the society, regulate its proceedings, preserve order and decorum and have a casting vote. He shall also be the chairman of the Board of Council.

CLAUSE 5. The Vice President shall discharge all the duties of the President in case of his absence.

CLAUSE 6. The Secretary shall have the custody of the Constitution, By-Laws, Records, property and effects of the Society. He shall give due notice of all its meetings, and keep in a book provided for that purpose, a record of all its business. He shall also by virtue of his office be Secretary to the Board of Council or Managers, and keep a record of its proceedings. He shall also under the direction of the Society, prepare all the communications to be addressed to others in the name of the Society, and keep true copies thereof.

CLAUSE 7. The Secretary shall also under the Board of Managers have the custody of books, minerals, manuscripts, papers, documents, coins, maps, and relics, and shall provide suitable cases for their preservation, and for convenient reference and inspection. He shall keep a record of all donations, of whatever name or kind, and report the same to the society at the annual meeting.

CLAUSE 8. As Treasurer, the Secretary shall keep all securities and sums of money due and payable or belonging to the society. He shall keep the funds of

the society on deposit to his credit as such Treasurer, in some banking institution of good repute; shall pay all sums which the Board of Council shall direct; and shall keep a true account of all his receipts and disbursements and render a full and detailed statement thereof at the annual meeting of the Society.

CLAUSE 9. It shall be the duty of the Board of Council to control and manage the affairs and funds of the Society. They shall make annually, on the second Tuesday of January, a report to the Society of all its doings and transactions for the preceding year.

CLAUSE 10. Any member of this society may be expelled by a two-thirds vote of the members present at a special or regular meeting of the Society, but no such action shall be taken without a notice two weeks previous to expel shall have been given by the Secretary of the Society in writing and sent through the mails to the post office address of the defaulting member.

CLAUSE 11. At the annual meeting there shall be an address delivered before the Society, by the President or by some other person appointed by the Board of Council.

CLAUSE 12. At the meetings of the Society, and as far as applicable at the meetings of the Board of Council, the following shall be the order of business:

1. Reading of minutes of last meeting.
2. Reports and Communications from officers of the Society.
3. Reports from Committees.
4. Election of Members.
5. Miscellaneous Business.
6. Reading of papers and delivery of address.

CLAUSE 13. After the annual election of officers, the President shall appoint from the Board of Council the following standing committees to consist of three members each:

1. On Finance. 2. On Publication. 3. On Membership.

CLAUSE 14. The Finance Committee shall have general charge of the books, accounts, receipts, finances and expenditures of the Society. It shall examine and report upon all accounts and claims against the Society, and upon propositions for the expenditure of its funds, as well as measures to increase the revenues of the Society, and promote economy in its expenditures.

CLAUSE 15. The Committee on Publications shall have the charge and supervision of all publications made by direction of the Society, and shall carefully examine all manuscripts and papers and other things directed to be published, in order to discover all errors and defects, and correct the same, also when necessary to make abstracts or abridgment of papers.

CLAUSE 16. It shall be the duty of the Committee on Membership to consider and report upon all questions relating to membership, which may be referred for that purpose, and as far as practicable, to induce all proper persons to become members of the Society.

CLAUSE 17. In the course of the future, should it become advisable, the President may in his discretion, after the annual election of officers, appoint the following committees, each to consist of three members of the Society:

1. On the increase of Books and Library.
2. On the increase of Members.
3. On Donations and Subscriptions.
4. On Statistics.
5. On Portraits, Pictures and Photographs of Pioneer and early Settlers.
6. On Local History.
7. On Indian Reminiscences, Pictures, Memorials and History.

CLAUSE 18. The duties of these respective committees may be defined hereafter, in case the future requirements and interest of the society make their appointment necessary.

CLAUSE 19. If any members of the Board of Council fail at any time to pay their dues to the society or fail to qualify, and thus become ineligible to the office to which they have been elected, a majority of councilmen elected and qualified, shall have the power to declare such offices vacant and shall proceed to fill the same from the resident members of the society.

CLAUSE 20. A majority of the Board of Council present at any meeting of its members, special or otherwise, of which due notice shall have been given to its respective members by the Secretary of the Society, who by virtue of his office becomes the Secretary of the Board of Council, shall constitute a quorum to transact business.

CLAUSE 21. All reports of committees shall be in writing, either in form of resolutions or otherwise, as they may deem expedient.

CLAUSE 22. Any of these By-Laws may be *suspended* in case of temporary exigency, by a two-thirds vote of all the members present at any annual meeting. They may also be amended and changed, and new matter added by a majority of all the members present at any annual meeting, provided notice of the proposed amendments be given in the call of the annual meeting at least two weeks previous to final action thereon.

CLAUSE 23. It is recommended that the members of the Society in the different towns and villages in the county form local clubs, and meet monthly, especially during the winter, in their respective localities, at private residences by invitation of its members. The reading of an appropriate paper, followed by such remarks and discussion as the subject might suggest, would disseminate much valuable information, and add increasing interest to the occasion, and make such meetings in their informal and social character, a valuable acquisition to the Society, and create an interest and marked influence in promoting historical research among the members.

CERTIFICATE OF INCORPORATION.

We, the undersigned, citizens and residents of Livingston county, in the state of New York, of the full age of twenty-one years and upwards, and citizens of the United States, do, in pursuance of the statute in such case made and provided, hereby associate ourselves together for historical purposes.

The name or title by which such society or corporation shall be known in law is the Livingston County Historical Society. The particular business and object of such society and its general design is to discover, procure and to gather up and preserve whatever may relate to the unwritten history of Western New York, and the respective towns and villages of Livingston county in particular, whether it relates to the preoccupancy of the country by the red man or to the white race, and to gather such statistics of population, education, manufactures, and business of the county as shall be of public utility and of use to the society. The officers of such society shall be a President, a Vice President, a Secretary and Treasurer, and nine Councilors who shall constitute a board of managers of said society as aforesaid, and their names for the first year of its existence, are as follows:

D. H. Bissell, President,
M. H. Mills, Vice President,
Norman Seymour, Sec. and Treas.

L. B. Proctor, L. J. Ames, D. H. Fitzhugh, G. W. Root, S. P. Allen, B. F. Angel, Richard Peck, J. F. Barber, E. H. Davis, Councilors.

The principal office and place of business of such Society shall be located at Geneseo, the county seat of Livingston county, but nothing herein contained shall prevent the Society from holding its meetings as provided and specified in its by-laws.

We, the undersigned members, officers, and managers of such Society, do hereby certify the matters above stated, to the end that we, our associates and successors, may, pursuant to the statute of the state aforesaid, in such case made and provided, be a body politic and corporate, by the name above stated, and in witness whereof we have severally hereunto subscribed our names, the thirteenth day of February, 1877.

Livingston County, Mt. Morris, N. Y.

On this 13th day of February, 1877, personally appeared before me, M. H. Mills, Norman Seymour, Loren J. Ames, Levi Parsons, D. H. Bissell, A. O. Bunnell, L. B. Proctor, severally known to me to be the persons described in, and who executed the above instrument, and they severally acknowledge the execution of the same.

Reuben Wallace,
Justice of the Peace in and for Livingston County.

Dated February, 1877.

Filed in the office of the Secretary of State of the state of New York, and in the office of the clerk of the county of Livingston.

The following officers of the society were chosen for the current year:

President—Dr. D. H. Bissell of Geneseo.

Vice President—Dr. M. H. Mills of Mt. Morris.

Secretary and Treasurer—Norman Seymour of Mt. Morris.

Councilmen or Board of Administration—L. B. Proctor, L. J. Ames, Dr. D. H. Fitzhugh, George W. Root, Samuel P. Allen. Hon. B. F. Angel, Richard Peck, Jno. F. Barber, E. H. Davis.

The certificate of organization was signed by those present, after which the president was escorted to the chair by L. B. Proctor and A. O. Bunnell. On taking his seat he thanked the society for the honor conferred upon him, &c. Then eulogies were pronounced upon the late Hon. William Scott, one of the Vice Presidents of the society, by Dr. M. H. Mills and L. B. Proctor. The latter also pronounced a eulogy upon the late Adolphus Watkins, another Vice President of the society. Both of these members had died since the last meeting of the society in June. Dr. Bissell and Norman Seymour also paid high tributes of respect to the memory of Deacon Adolphus Watkins in brief remarks. Dr. L. J. Ames arose to a question of privilege and said that Daniel Shay, the leader of Shay's rebellion in Massachusetts in 1786, was buried in the Scottsburgh cemetery in the town of Conesus, Livingston county, N. Y., and not at Williamsburgh in the Genesee Valley, as had been stated.

The society then adjourned to meet on the second Tuesday in January, 1878, at such hour and place as shall hereafter be designated by the President and Secretary.

HONORARY MEMBERS

OF THE

LIVINGSTON COUNTY HISTORICAL SOCIETY.

GEN. J. W. DENVER, Washington, D. C.

HON. ANGUS CAMERON, Wisconsin.

HON. JOHN McPHERSON, New Jersey.

HENRY O'REILLY, ESQ., New York.

O. H. MARSHALL, ESQ., Buffalo, N. Y.

HON. HORATIO SEYMOUR, Utica, N. Y.

HON. GEORGE W. PATTERSON, Westfield, N. Y.

HON. JAMES O. PUTNAM, Buffalo, N. Y.

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LIVINGSTON COUNTY
HISTORICAL SOCIETY.

Third Annual Meeting.

ANNUAL ADDRESS:

The Judges and Lawyers of Livingston County and their Relation to the History of Western New York.

By L. B. PROCTOR.

THIRD ANNUAL MEETING

OF THE

LIVINGSTON COUNTY

HISTORICAL SOCIETY,

HELD AT GENESEO,

Tuesday, January 14th, 1879.

OPENING ADDRESS by PRESIDENT MILLS.

ANNUAL ADDRESS by L. B. PROCTOR.

DANSVILLE, N. Y.:
A. O. BUNNELL, PRINTER, ADVERTISER OFFICE.
1879.

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THIRD ANNUAL MEETING

OF THE

LIVINGSTON COUNTY HISTORICAL SOCIETY.

THE THIRD ANNUAL MEETING of the Livingston County Historical Society was held at Geneseo, Jan. 14th, 1879. A business meeting was held at 11 o'clock a. m. at the American Hotel, Vice President Mills in the chair, Norman Seymour, Secretary and Treasurer. Letters were read from Hon. B. F. Angel, Hon. J. R. McPherson, Hon. George W. Patterson, and Thomas Warner, the latter enclosing an "old round house medal." L. B. Proctor, Chairman of the Publication Committee, reported and his report was accepted. The Treasurer's report showed a balance in the treasury of $25.08, and his report was accepted. Dr. L. J. Ames offered the following resolution, which was adopted:

Resolved, That the Committee on Membership be authorized to issue a circular for the purpose of inviting citizens of the County of Livingston to become members of this Society, and that the said Committee be authorized to receive such persons as may present themselves and comply with the requirements of the Society, as members, and report the same to the Secretary of the Society, who shall enter their names on the roll of membership.

On motion of A. O. Bunnell, the Secretary was authorized to procure a book for recording the proceedings of this Society since its organization, and to have the same recorded therein.

The Society then elected the following officers for the ensuing year:

President—M. H. Mills.
Vice President—William M. White.
Secretary and Treasurer—Norman Seymour.
Councilmen—L. B. Proctor, L. J. Ames, D. H. Fitzhugh, George W. Root, Samuel P. Allen, B. F. Angel, John F. Barber, A. A. Hendee, F. M. Perine.

The following committees were appointed:

Finance Committee—E. H. Davis, F. M. Perine, S. P. Allen.
Publication Committee—L. B. Proctor, B. F. Angel, A. A. Hendee.
Membership Committee—L. J. Ames, D. H. Fitzhugh, G. W. Root.

Major Amos A. Hendee offered the following preamble and resolution, which were adopted:

Whereas, The Livingston County Pioneer Society have recommended the due observance of the Centennial of the Battle of Groveland under Gen. Sullivan in September, 1779, therefore

Resolved, That the Livingston County Historical Society recommend that the said Centennial be duly observed, and that a committee of five be appointed to act with the Committee of the said Pioneer Society, or by themselves for this Society, to complete arrangements for the celebration of said Centennial, and that the Committee of this Society have full power to act for this Society in reference thereunto.

The Chairman appointed the following members as such committee: Amos A. Hendee, Chairman, William M. White, Dr. F. M. Perine, Dr. L. J. Ames, E. H. Davis.

Secretary Seymour announced that he had recently held a personal conference with Hon. Horatio Seymour, and that he had consented to deliver the address at the Centennial celebration, on the 13th of September, 1879. This announcement was received with much enthusiasm.

At 2 o'clock p. m. a public meeting of the Society was held in the beautiful and commodious chapel of the Geneseo Normal School, President Mills presiding and

supported by other officers of the Society. The President opened the meeting by delivering the following address, which gives a condensed history of the Society, its object and its work, together with many valuable suggestions in connection therewith:

ADDRESS BY PRESIDENT MILLS.

The annual meetings of this Society are events of much interest to the members of the association, and I am gratified to say from evidences evinced from year to year, of growing interest to the public. It is upon these occasions we elect officers for the ensuing year; deliver an annual address; the formal presentation of gifts and legacies to the Society; the announcement of deaths, if any, of the members of the association the past year, coupled with a brief biographical sketch of their lives; to learn from the records of the Society the increase of our numbers by new members joining the association, and also the financial condition of the Society, together with other interesting ceremonies incident to the occasion.

It is a source of congratulation, that while a direful scourge has visited portions of our country the past summer, with unparalleled destruction to human life, our locality has been favored by divine grace, with ordinary good health, and I am happy to announce no deaths have occurred among the members of our Society the past year. I take this opportunity also to congratulate the officers and members of this association upon the success of their enterprise. I deem it proper, and of sufficient importance in this connection, to present for the consideration of members of the association and the public, a brief statement of what the Society has accomplished since its organization. Three years ago the initiatory steps were taken in Dansville to organize this Society. An adjourned meeting was had at Mount Morris in the month of January, 1876, in which the organization was more fully perfected, by the adoption of a constitution and by-laws, but was not fully perfected under the laws of our state until February 13, 1877, when articles of association were gotten up, subscribed to, and placed on file in the office of the Clerk of Livingston County, and in the office of the Secretary of State at Albany. In this brief period of time there has been added through the auspices of this Society to every town in the county, during the centennial year, more or less new historical matter. There have been two annual historical addresses delivered. The first one by Mr. Norman Seymour, Secretary of the Society, the other by the Hon. B. F. Angel, both of which contain historic matter, which in the no distant future will be referred to by historians of that day, as authority upon the subjects which they treat, and will form additions to the already written history of Western New York and Livingston County.

L. B. Proctor's biography of John Young, on the occasion of the presentation of the deceased statesman's portrait to the association, is a fitting tribute to the memory of a public man, it being a faithful record of his public acts, and will form new matter of historic interest of much value, to be added to the future history of our locality, and its public men. Honorable mention should also be made of eulogies, containing original historic facts from the early settlement of this county down almost to the present time, pronounced by members of the association on the deaths of those worthy pioneers, the Hon. William Scott, Adolphus Watkins and Deacon John McColl, members of this Society. They have been called to their fathers, and have left their associates in this Society to carry on the good work which they were co-laborers in, and aided by their means and presence and force of character to establish, and to carry forward. Let us prove worthy to the trust committed to our hands Let us, if necessary, sacrifice personal preferences for the success and public welfare of this association, believing that in so doing we best promote the interests and objects of the Society, and be enabled to transmit to our successors an institution worthy of their fathers, and worthy of preservation by them, and their descendants.

Under the auspices of this Society there has been organized and established the Livingston County Pioneer Association. This association is also a success; from a small beginning its annual gatherings are now attended by as many as 10,000 people. The influence of a society like that is beneficial to the general public in many ways. The wonder now is that it was not in this county, where the early settlers were largely men of intelligence and culture, and where an intelligent and reading class of people compose almost the entire population, organized before. It is an offshoot of the Historical Society, and like it, promotes historical research. It enables the historian to gather up scraps of unwritten local history from pioneers and old settlers present, which, when preserved and added to the already written history of the county, will make it more full and complete, and therefore more acceptable.

The panorama and dissolving scenes of life to-day, are painted upon the same canvass, which is rolling still, upon which our fathers were painted. The present is bound to the past by its very existence, and the great highway of progress which the generation of to-day walk, is but the continuation of the first paths trod by our fathers. History is but the preservation and delineation of a former age handed down to us. To paint on the moving canvass of to-day the lessons they teach, together with events and changeable scenes of life in this age, are among the objects of the pioneer association. But I must not, at this time and place enlarge upon the objects and benefits of that society, and will only dwell to remark that three annual historical addresses have been delivered before that association, one by Mr. Norman Seymour, one by Major Hendee, and one by the Speaker. The two former of which show labor and research, and are a fruitful source from which to obtain new and original matter for the future historian.

Through the courtesy and liberality of the Wadsworth library committee, a portion of a room in the building has been assigned to the uses of this Society. It will therefore be observed, that the Society is prepared to receive legacies, donations, and gifts, in the form of books, manuscripts, portraits and relics of historic interest, and have also a secure and safe place to preserve and keep them.

It will be perceived from this brief sketch, that the labor and work accomplished by the Historical Society, during its three years of existence, have been varied and extensive, and beyond the most sanguine expectations of its founders and admirers, and is rapidly commanding as a result, that high esteem and consideration from the public, which its labors, and the preservation in an enduring form, the local history of the age, justly entitle it. Much credit however is due for these results to the press of the county, who have zealously labored with open-handed liberality, at all times, and under all circumstances, to further the interests of this Society.

To become a member of this Society costs one dollar a year, or ten dollars for a life membership. The work of this Society cannot be accomplished from year to year without financial aid, to defray necessary and unavoidable expenses. At present we have no resources to raise funds from, except from contributions from members of the Society, and from the admission fee of membership. We are enabled, however, to make the statement, that our Society is solvent, and that there are funds in the treasury to pay every indebtedness of the association up to the present time, and that our mission here is not to solicit charity.

Ladies are eligible to become members of the association as well as gentlemen. Women's thread of life forms a portion of the warp of history, and as the shuttles of the flying days and years throw across it their woof of circumstance, the fabric becomes more beautiful and perfect until the final end approaches, when it resembles fine gold, and like it, is non-destructible.

I take the liberty on this public occasion to speak, not by the temporary authority in which I find myself clothed by the partiality of this Society, but simply as a member of the association, to suggest and recommend, during the long winter evenings, that the members of the Society, in the different villages of the county, hold monthly or semi-monthly meetings at the residence of some member of the association; on which occasion the guests are to be specially invited, and a member of the Society will be expected to read a paper upon some subject selected by the writer, and its merits to be discussed by the company present. Such meetings, it is believed, would materially aid the Society in its objects and mission. Which, I may say in a word, are to discover, procure, and preserve in an enduring form, whatever may relate to our local history, and to disseminate such statistical information upon all subjects, as seem advisable, or of public utility.

At such meetings it would be an attractive feature in the exercises, for a lady to read a paper upon some subject suggested to her, or upon a subject of her own choosing. Ladies, think of this. Remember that each age makes its own history, and the more faithfully it is preserved and recorded, the more honor is attached to that age by the one which succeeds it. The faithful written record of a people, is the most fitting and enduring monument the living can erect to their memory. *If these be worthy and the record truthful*, time, which destroys all things but good deeds and lofty thoughts, will embalm their memory for eternity. In the spirit of this truth let us and our associates and successors from year to year, address ourselves to the task before us.

At the close of the address, which was received with applause, Mr. Killip's quintette sang "Auld Lang Syne" with a fervor which stirred every heart. Then Rev. George K. Ward of Dansville offered the following prayer:

Almighty and Eternal God, from whom cometh every good and perfect gift—we acknowledge Thy protecting care which has been over us during the past year, and we render our united thanks to Thee that Thy tender mercies have failed not unto us, nor to our households. We invoke Thy benediction to rest upon the assembly which is here convened. We thank Thee for the pleasant occasion which calls us together, for the sweet associations connected with this day, and the grateful memories which are awakened as we meet in this room. We ask that our gathering together may result in the more perfect cementing of friendships formed in other days and here so sweetly renewed. As our minds shall turn reverently to contemplate the events of another year, grant that the retrospect may awaken gratitude and inspire to nobler aims and endeavors. We recognize Thee as the God of history, oh Thou who sittest upon the throne, ruling among the armies of heaven and the inhabitants of the earth; and because we know and honor Thy name we come to ask Thy benediction this day upon all our deliberations, that we may be brought into loving fellowship with Thee as we commune with one another. Enable us to perceive that the events which are embodied in the record of each passing year, are but the unfoldings of Thy sovereign will, and Thy eternal purpose. As we study the pages of history may we trace Thy ruling hand, above all and through all and ordaining all, for the well being of men and the glory of Thine own name. If we have succeeded in doing anything that is worthy to be remembered, it is because Thou hast inspired it. If we have spoken any words which shall find a permanent place in the hearts and minds of our fellow men, it is because Thou hast spoken through us. If we have been in anywise helpful to those who stand in need of help and encouragement, we render unto Thee all the praise, and we ask that those who honor us, may honor us as the instruments of God for the promotion of the truth. Heavenly Father, help us to understand that the events which seem to our feeble minds to occur by chance, or in obedience to the will of man, are foreordained of God. Grant that the veil may be removed, so that there may shine in upon our darkened perception some apprehension of the grandeur of the purposes which are conceived in the councils of eternity, the marvel-

lous adaptation of human events to the consummation of the Divine plan which is the redemption of men from the bondage of sin; Thy will, oh God, perfected in human acts, is the foundation of all history, and to-day we recognize Thy wisdom, and praise Thee for Thy goodness. We entreat Thee, oh God, to prepare us in body and soul and mind, for the duties of another year. The past we cannot recall; its failures and its successes, its lack of true zeal, and its earnest labor; its shame and its honor; its enthrallment to sin, and its glorious freedom of thought and action, these have escaped beyond our grasp, but we thank Thee for the blessed opportunities for benefitting ourselves and our neighbors, which shall come to us this new year, if Thou shalt be pleased to spare our lives. May we have no less exalted aim before us in life than to be Christ-like. God forbid that our aspirations should lift us no higher than the attainment of worldly gains and honors; but may we seek to attain the strength and beauty of a perfect manhood, even "the measure of the stature of the fulness of Christ." And so may our names be recorded in the history of this commonwealth as representatives of all that is true and honest and praiseworthy. May the blessing of God rest upon the members of this association, in their corporate existence and as individuals. Bless the families here represented, and may our lives be so ordered, both at home and abroad, that we shall not bring dishonor upon this society during the year upon which we have now entered. Guide us in all our deliberations, oh Thou All-wise Ruler of Men and Nations. May this occasion, in its social, intellectual and religious aspects, bring great joy to our hearts, and may the peace of God which passeth all understanding keep our hearts and minds in the knowledge and the love of the truth, to the end that we may have the blessing and God the honor and glory throughout eternity. Amen.

Then Mr. Killip's boy choir gave as a song and chorus, "There's a Land that is Fairer than Day," eliciting the most hearty applause. The president then introduced L. B. Proctor, Esq., of Dansville, who had been chosen to deliver the annual address. This address is given elsewhere. It bears the impress of much thought and labor, and abounds in humor, wit and pathos. At its close the audience enthusiastically applauded, and the following resolution offered by Dr. Ames was unanimously adopted:

Resolved, That the thanks of this Society be given to Mr. L. B. Proctor for his very able, instructive, eloquent and entertaining address, and that a copy of the same be requested for publication.

Mr. Killip's quintette sang "The Two Chaffers," to the great delight of the audience. Capt. S. Adams Lee was then felicitously introduced by the President, and gave a spirited account of the naval battle of Hampton Roads in which the Merrimac was engaged, and where the speaker, an officer in the Federal navy, left one of his limbs. At the close of the address, the following resolution offered by Hon. William M. White, was adopted amid applause:

Resolved, That the thanks of the audience be and are hereby tendered to Capt. S. Adams Lee for his thrilling and able address on the Battle of Hampton Roads.

The following preamble and resolutions offered by Dr. F. M. Perine were adopted:

Whereas, It has come to our knowledge that our worthy and venerable President, Dr. D. H. Bissell, has had the misfortune to break his leg, and is now lying in Washington suffering from the same; be it

Resolved, That we have heard with deep regret of the same and express our sympathy for him in this personal misfortune, that we greatly regret his absence from our meeting and wish him a speedy recovery and a Happy New Year.

Resolved, That the Secretary be directed to place this resolution upon the minutes and send a copy of the same to Dr. Bissell.

The quintette then sang with spirit and enthusiasm, "The Flag of Our Union,' receiving therefor great applause.

Mr. White offered the following resolution, which was adopted:

Resolved, That we tender our hearty thanks to Mr. W. W. Killip and his able corps for the delightful music with which we have been favored on this occasion, and take pleasure in acknowledging our indebtedness once more to them for their valuable services in rendering our annual gatherings so additionally attractive.

President Mills presented to the Society a copy of The Genealogy of John Ewell, and offered the following resolution, which was adopted:

Resolved, That the thanks of this Society be presented to E. H. Ewell, author of The Genealogy of John Ewell, and by said author presented to the Livingston County Historical Society, and that the Secretary be requested to enter this resolution on the record journal of the Society, and transmit a copy of the same to the author at Alden, Erie County, N. Y.

The meeting closed with prayer and benediction by Rev. George K, Ward, and thus ended one of the most successful meetings of the Society.

THE ANNUAL ADDRESS:

The Judges and Lawyers of Livingston County and their Relation to the History of Western New York.

By L. B. PROCTOR.

In the year 1821 the counties of Livingston and Monroe were formed from parts of Ontario and Genesee. The same year Erie county was formed from territory taken from Genesee. Immediately after their formation the bars of the new counties were organized. The conspicuous part that the members of these bars have taken in all that pertains to the development of the resources of that beautiful region of country, possessing all the elements of a great and powerful State in itself, Western New York, has passed into history, the repetition of which here would be but the work of supererogation. Suffice it to say, that this influence has extended to every department of its civil, religious, educational, political, agricultural, judicial and legal departments. These bars have been represented in the halls of legislation, State and National, leaving upon their records indubitable evidence of commanding abilities. They have been represented in the executive chairs of the State, of the Republic itself,—in foreign embassies, in cabinets, among diplomats, on the highest bench of the highest courts of our great nation, where scholars have most congregated, and in the fields where literature and science radiated their beauties.

It is with pride and pleasure that I turn to the bar of Livingston county. Its old roll has become a classic thing. As we gaze upon it, memories of the past come throbbing to our hearts. It brings before us the learned, the genial, the courteous. The powerful adversary, whose steel was worthy the sturdy foeman, whose generosity and manliness were as bright as the steel they wielded. But alas! the names of most of them have been transformed from the roll to the cold marble that stands over their sleeping dust. Faint and more faint grows the history of their struggles, their triumphs, their influence and their noble deeds. It is the duty of our Society to preserve their memory in its archives. To aid in that duty I stand here to-day. The fame of the lawyer and the judge, no matter how bright in its day, is almost as fugitive as the leaves of the Sybil. The first makes a legal argument before the Court in which learning and genius are blended—over the preparation of which he has spent weary days and nightly vigils. When the case is reported the only notice he receives is, Smith for the plaintiff and Jones for the defendant, while the results of all his labors are incorporated in the opinion of the Judge who decides the case.

What of the Judges themselves? Many of their exquisite judgments, bearing the impress of elaborate study, and which for power of thought, beauty of illustration and elegant demonstration are justly numbered among the highest efforts of the human mind, find no admiration in literary or scientific circles, or among the people, and no where except in the ranks of the few lawyers who thoroughly read and digest them.

A distinguished divine has spoken eloquently and truthfully of the connection between the pulpit and the bar, which, he says, should be readily acknowledged. As the high minded jurist keeps before the minds of men the great idea of law—a binding moral force, which the very word religion in its etymology suggests, so such men help preserve the true stability of society in which Christian institutions have their best growth.

Our business to-day is with the history of the bar of Livingston county—that county which takes its name from one of the most illustrious jurists of the State—a symbolic name, for she is indeed the Living stone among her sister counties, smote by the hardy pioneer, out of which for over fifty years living waters have flowed, irrigating every avenue of industry and enterprise, every department of religion, of education and of agriculture.

MILLARD FILLMORE.

To begin with these, let me refer briefly to one name who, though not a member of our bar, yet whose history was in a measure connected with our county. Fifty years ago there stood in the western woods of the valley of the Canaseraga, a few miles below Dansville, a small wool carding and cloth dressing shop. At this time, within this humble building, there was engaged a young man, not yet quite of age, who had traveled on foot from his father's home in Cayuga county, a distance of seventy-five miles, to this then secluded valley, for the purpose of learning the business conducted in that shop. Here he engaged in arduous daily labor. Here he ate his daily bread, earned by the sweat of his brow. He had nothing to rely

upon save his own brave heart and strong arm, and those beneficent institutions which foster and protect the rich and the poor. In this obscurity he exhibited that indomitable and untiring energy which so strongly marked his subsequent career. He felt, too, the Promethean flame, and took an appeal to the future for the consummation of those hopes, and the realization of that ambition, which stimulated all his energies. He was assiduous in his efforts to acquire knowledge; indeed, his thirst for it was intense. His friendless condition, his sharp necessities, his constant struggle with poverty, his unyielding determination to rise above the condition in which he was born, all tended to develop in him a sturdy independence of thought and action, giving him in this respect a great endowment, better than wealth—ability to labor. Well it has been said that resolution to work and ability to work are substitutes for everything except genius, and that they often become the rival of genius itself. Time went on; the magnificent future of the great Republic was being developed, and so was the career of the humble youth. In his hours of rest from his daily labor—in the silence of the night, by the light of a candle purchased with his scanty means—he unrolled the ample page of knowledge and of science. Books were almost the foundation of his life; he had no pleasure, no amusement but in them. Through them he visited past ages; with them he summoned around him philosophers, sages, poets, heroes, brave warriors, inhaling intellectual vigor from statesmen, orators, jurists and legislators of the past, until, like Michael Angelo, in whose hands marble was flexible, he turned hard fortune into success. He entered with zeal and success that noblest and grandest profession, the teacher's; he became a student at law, and then a lawyer, then a legislator, and minister of state. "Allied by his antecedents to the sons of toil, he never failed to recognize their rights and was ever ready to defend their wrongs. He was of the people and for the people, and therefore they loved to honor him. This they did in no scanty measure. Bearing their standard, he was elevated by them from one post of honor to another, always large-hearted, and imbued with a deep human sympathy, born with his early adversity." He became "*Primus inter Pares*" the Chief Magistrate of our great Republic. This was Millard Fillmore. Young man, whoever you are, learn from his history that the institutions which made him what he was will make you what you endeavor to make yourself. But to return to the history of the Livingston county bar.

MARK H. SIBLEY.

Mark H. Sibley was one of the first lawyers who signed the roll of attorneys in Livingston county. His is truly a historic name; for years he was one of the chief contestants at the Livingston bar, and Monroe bar, when Selah Mathews and other distinguished lawyers were in the zenith of their profession. "The severe and intellectual structure of Mathews, was far removed from the Attic elegance of Sibley." As a lawyer the former was remarkable for the clearness and closeness of his reasoning and the unadorned simplicity of his style and manner, earnest, calm and deliberate. He never soared into regions too elevated for ordinary comprehension, never sank into dullness. His arguments were solid, massive, effective, dry but beautiful in their structure and in their good sense. He was the Brougham of the Western New York bar. Sibley's great strength lay in his almost unequalled eloquence, and in his bright piercing wit. The beautiful lines dedicated to Bushe will apply, in a happy manner, to him:

"Sedate at first, at length his passion warms,
And every word and every gesture charms."

Mr. Sibley's language was always pure, always elegant; "the best words dropped easily from his lips into the best places with fluency and ease; but the faculty in which few surpassed him, was his wit, a wit so genial that it relieved the weary, calmed the resentful and animated the drowsy; it drew smiles from such as were the objects of it, it scattered flowers over a desert, and gave spirit and vivacity to the dullest and least interesting case. Not that his accomplishments as a lawyer consisted of eloquent language and volubility of speech or the liveliness of raillery. He was endued with an intellect sedate, yet penetrating, clear, profound, subtle, yet strong." Mr. Sibley was a resident of Canandaigua, but was identified with and a member of our bar. His practice extended into almost every county in Western New York. He commenced his practice at the Ontario bar in 1819. John C. Spencer, the most learned and able lawyer of his times, was then a lawyer of Canandaigua. He was illustrious as reviser of the statutes of the state of New York—those pandicts that through all innovations and popular agitations stand unaltered and firm, like the pyramids, still lifting the same point upward amid the sands and whirlwinds of the desert. With such an intellect as Spencer's Mark H. Sibley measured himself at the beginning of his practice. Few men possessed so much calm self-possession under sudden and unexpected emergencies as Mr. Sibley. As was said of James T. Brady, he could bridge a non-suit with surprising facility and ingenuity. He could withstand the frowns of the bench with singular composure, and the satire of an opponent glanced harmlessly from his invulnerable armor. Mr. Sibley represented his county in the Legislature of 1835 and in 1836. In 1840 he was State Senator. From 1837 to 1839 he was a Representative in Congress. In all of these bodies he distinguished himself as an able and distinguished legislator.

JOHN B. SKINNER.

John B. Skinner, as a forensic orator, had no equal at the bar, particularly in cases where imagination and pathos could enter. He was also strong in cases where severe logic and dry detail were used. His powers of invective were strong, and his sarcasm withering, though he frequently used his sarcasm in a manner that resembled the grave severity with which a judge silences contempt, rather than the attack or defense of an advocate. Mr. Skinner, in his practice, evinced

the power and effect of integrity and candor. These qualities gave such influence with courts and juries, that opposing counsel often complained that it was his influence, not the justice of the case, that rendered him so successful. On one occasion the jury retired after listening to Skinner's summing up. During their deliberation, one of the jurors quoted his language. "That is not evidence, that is only what Skinner said," was the reply of another juror. "I don't care if it is, I believe every word of it, for nobody ever knew him to lie," was the answer. "All lawyers lie, for the sake of their clients," was the rejoinder. "I know that, but Mr. Skinner don't, and I am going to take what he said for evidence," returned the other juror. Mr. Skinner began his practice at Wyoming, in 1820, then in the County of Genesee, now in Wyoming County. Here he continued to practice until 1855, when he retired from the bar and soon removed to Buffalo, where he died in 1873. Notwithstanding his great fame as a lawyer, he never had any political ambition, never made a stump-speech. The only offices he ever held were entirely unsought by him—they were tendered to him by the united voice of the people, almost without distinction of party. In 1827 and 1828, he represented Genesee County in the assembly. In the month of May, 1846, he was appointed first Judge of Wyoming County Common Pleas, by Governor Young. Under the provisions of the constitution of that year, the Court of Common Pleas was abolished and Judge Skinner, after holding his office one year retired to private life, leaving a judicial record as bright as was his professional fame. In February 1828, he was appointed by Martin VanBuren, then Governor of the state, a Circuit-Judge and Vice-Chancellor of the eighth circuit, through the influence of Hon Henry R. Selden and others. When Judge Selden was advised of Mr. Skinner's appointment, fearing that his native modesty and dislike of official position would prompt him to decline the position, he made a journey from Rochester to Wyoming, for the purpose of inducing Mr. Skinner to accept the office. "We started," said Judge Selden, "in the afternoon of a cold winter's day, and reached Mr. Skinner's residence about 3 o'clock the next morning. Calling up the newly-appointed Judge, we stated to him the object of our visit. Mr. Skinner listened with attention, but signified to us what we greatly feared, his intention to decline the judgeship. We renewed our entreaties, using all our persuasive powers to prevent him from so doing. But all the encouragement he would give us was: 'Well, I'll think of it.' He did think of it," continued the Judge, "and in a day or two after our return to Rochester we had the pleasure of seeing a letter from him in a newspaper declining the office we had taken so much pains to obtain for him." Mr. Skinner was for many years a member of the Presbyterian church, yet he ever recognized a sphere of Christian activity outside his own church, his own denomination; was always the friend of the great cause of Christian benevolence, judged always by himself as to their utility. He disliked all display of religious sensibility, yet when its manifestations were genuine and appropriate, no heart more warmly responded to it than his own. Finally, without fear of contradiction, I can say that John B. Skinner was a model character as a lawyer and a man. He proved this not only in life, but in his death, vindicating the saying of antiquity, "Call no man fortunate until you see how he dies."

GEORGE HOSMER.

One of the most accomplished members of the Livingston bar was George Hosmer. He was for many years its acknowledged leader and justly regarded as one of the most eminent of his profession in Western New York. To his many shining and attractive qualities, I may justly add that he was a ready, ingenious, and, at times, impressive speaker, possessing a strong, rich, clear and sonorous voice. At the bar, and in social intercourse, he was polished, easy and familiar. His person was slightly below the medium height, but well formed. If, however, anything occurred to irritate him, he was irascible, hasty and harsh. He had sarcasm at his command, ready for instant use when occasion required. In his hands it was a keen, piercing, flashing weapon, worn with ease, and subordinate to judgment, discretion and a strong sense of right and justice. Meanness, treachery, fraud and deceit, when touched by it, shrunk and withered into their natural deformity, or fled before it like guilty things. Few men possessed a more thorough practical knowledge of law than George Hosmer. He seemed to be thoroughly imbued with the spirit of that great legal commentator who said, "Law is the science which inculcates the difference between right and wrong, which enables us to assert the one and to prevent, punish or redress the other." He was also a finished classical scholar, accomplished in the study of *belles lettres*. Through his long career at the bar he relieved his professional labors by extensive literary and scientific reading. He was a close student of England's great poets—the honest manliness, keen wit and pleasing humor of Pope; the dignified and solemn utterances of Young; that noblest monument of human genius, Paradise Lost; the intuitive sagacity, keen appreciation of life and vivid picture of the passions, which appear on the pages of Shakespeare; the freshness, vigor and beauty of rural life which the powerful pen of Thompson describes. With works like these, he refreshed his intellect—refined his views of life, keeping unquenched the enthusiasm that warmed the springtime of his life. George Hosmer was born at Farmington, Conn., August 30th, 1781. His father was Dr. Timothy Hosmer, a man of fine education, rare talents, and a nicely balanced sense of honor. When Oliver Phelps removed to Canandaigua Dr. Hosmer and his family accompanied him. In the year 1798 Ontario county was formed, and Mr. Phelps was appointed presiding Judge of its Court of Common Pleas. But as his extended duties as a land-holder prevented his discharging the duties of a Judge, he resigned and Timothy Hosmer was appointed in his place, and he presided at the first jury trial that ever occurred in a court of record in Ontario county. Although Judge Hosmer

was not bred to the bar, but a physician and surgeon by occupation, he was really one of the ablest judicial officials of his day, holding the scales of justice with a firm and steady hand. His great sagacity, his firmness, his plain, outspoken honesty, his keen sense of justice and the straightforward manner in which he administered it, rendered him very popular with the bar and the public. It was a favorite maxim of his that justice and common sense go hand in hand, that common sense is the foundation of law, that lawyers, with their quirks, quiddities and sharp points are always trying to see how far apart they can get law and common sense. "But for my part," he would say, "I mean to keep them together, notwithstanding the lawyers." After finishing his classical education, George Hosmer entered the office of Hon. N. W. Howell of Canandaigua, a distinguished pioneer lawyer, whose life and professional career adorned the bar for many years. After his admission to the bar young Hosmer practiced a short time at Canandaigua. His first case after his admission to the bar was tried at a term of the Ontario Common Pleas, and his father, Judge Timothy Hosmer, presided. The old Judge did not fully appreciate the new dignity his son had acquired as a counsellor at law, and fully sensible of his own dignity and importance, proposed to assert them before the "boy," as he called his son. When the young lawyer was arguing a question involving the admissibility of certain evidence that had been objected to by opposing counsel, the Judge interrupted him, saying with some severity: "George, you are wrong." "I think not, I believe I understand myself and I wish you to look at the point in this light," and the young man proceeded to explain the question in that light. "That won't do, George," said the Judge, interrupting him, "you don't comprehend the question at all." "I think that is precisely the trouble with the Court," said George. "Sit down, sir!" thundered the Judge. He was obeyed; but true to the instincts of his profession, he was on his feet again in a moment. "What do you mean, sir? do you think you can trifle with this Court?" roared the Judge, who was now rapidly losing his temper. "No, sir, I do not intend to trifle with this Court, but I am determined to try this cause and make you understand that I am George Hosmer, Esq., Attorney and Counsellor at Law, and that you are nothing but a Judge!" The astonishment of the Judge knew no bounds; for a moment he looked upon his son, incapable of uttering a word, in fact he seemed utterly confounded. Finally he recovered himself and said: "Go on, sir; you have two excellent qualities for a lawyer You have all the impudence of your forefathers, and brass enough to carry it out." After this judicial skirmish the young lawyer proceeded with his case without interruption. In the year 1808 Mr. Hosmer removed to Avon, N. Y., where he soon took a leading position as a lawyer, his retainers extending into all the adjoining counties. In the year 1821, when Livingston county was founded, he was appointed its first District Attorney, Moses Hayden was appointed for first Judge, James Ganson County Clerk, Gideon T. Jinkins Sheriff, and James Rosbrough Surrogate. Mr. Hosmer discharged the duties of his office until 1824, when he was succeeded by that able, accomplished, learned lawyer and pure citizen, Orlando Hastings, who was then in practice at Geneseo, and subsequently an eminent member of the Monroe bar. Though a District Attorney occupies a place where he is against the bar and the bar against him—a sort of official Ishmaelite—Mr. Hosmer was peculiarly qualified for the place he occupied. He brought to it much vigor of mind and grasp of thought. He drew that most difficult and technical document known to law—an indictment—with surprising strength and correctness. Often his case would be apparently shattered under ponderous blows of some able lawyer for the defense, but he would gather it up, condense and correct it, and proceed in most cases with success. One day when Hosmer had made a powerful and eloquent address to the jury in a criminal case of great importance, he was accosted while on his way to the hotel by a farmer living in the town of York, who said, "Mr. Hosmer, I would like to speak a word with you." "Proceed," was the reply. "I have a boy, 'Squire, whom I want you to take and make a lawyer of." How old is he?" asked Hosmer. "About eighteen, stout and rugged; he's got a pair of lungs like a blacksmith's bellows and he can talk forever," said the man, "That is very well as far as it goes. Has he any other qualsfication?" asked the lawyer. "Yes, sir, I guess he has got the greatest qualification in the world for a tip-top lawyer," was the reply. "What is that?" asked Hosmer. "Why, heavens and earth! he's the confoundedest liar in the who'e town of York. Nobody pretends to believe what he says. Now if that ain't a big qualification for a lawyer I am no judge. I thought when I heard you in the court house just now that it wouldn't take my son a great while to come up to you, Mr. Hosmer." Hosmer assured the man that his qualifications might soon bring him to the bar in a way that might not be so pleasing to him, and passed on. The political arena never had any attractions for Mr. Hosmer, but in the autumn of 1823 he was elected Member of Assembly from Livingston county. He entered upon his legislative duties January 6th, 1824. He was honored with the position of Chairman of the Judiciary Committee—a position which he adorned by his rare qualifications. His legislative career terminated with the close of the year 1824. In May, 1824, Orlando Hastings relinquished his duties as District Attorney, and Mr. Hosmer was immediately re-appointed in his place. He discharged the duties of the office twelve successive years—down to January 20th, 1836, when he was succeeded by George Hastings. When, in 1826, William Morgan was abducted, and was alleged murdered by the Masons for his dastardly revelation of the secrets of the order, the courts in Western New York were, for several years, burdened with prosecutions brought against his alleged murderers. In this exciting field of litigation—a field that summoned to it the ablest lawyers in the state—the legal abilities and forensic eloquence of George Hosmer shone out with peculiar splendor. He continued to practice at the bar actively until old age fell upon him. Always honored, always held in high esteem by the bench and the bar, and when finally he left that arena where he had so long and successfully—may I not say brilliantly contended?—he

was regarded as a legal gladiator, resting beneath his panoply. Mr. Hosmer died in the 80th year of his age, March, 1861, at Chicago, while on a visit to his daughter, Mrs. Wells, of that city.

DUDLEY MARVIN.

Few members of the Livingston bar, or the bar of Western New York have won a more vivid remembrance than Dudley Marvin. Like Mr. Sibley Marvin was a member of the Ontario county bar, but when the Livingston bar was formed he signed its roll and became one of its members. He was in every sense of the word a jury lawyer, possessing, in a surprising degree, the power to sway the emotions, not only of the jury but the popular assembly; he was also one of the wits of the bar. As was said of Canning, "He gained more triumphs and incurred more enmity by the use of his wit than any other manner at the bar." He was generally dignified and courteous, though, when ruffled or displeased he was uncivil, coarse and rough. His extreme subtlety of observation, and knowledge of human nature, rendered him powerful and searching in the examination of witnesses. He was often an opponent of John C. Spencer at the bar. The latter, it is known, was stern, severe and sometimes cynical in his bearing toward his opponents—too dignified and impressive to indulge in any humor or pleasantry. In many things he was more than a match for Marvin. But he always dreaded the bright, piercing satire of the latter—a weapon which he never failed to use when Spencer, as he often did, impaled him on some sharp legal spike. On one occasion, during a fierce legal contest, in which Spencer was fast gaining the advantage, Marvin asserted a proposition which he said could not be doubted. "I doubt it," said Spencer, with an expressive shake of the head, "I doubt it, sir." "It can not be possible," said Marvin. "I doubt it, I say, did you not understand me, sir?" "Yes, sir, I understand you to say you doubt my law," said Marvin. "I said so, sir," answered Spencer sharply. "Well, then, your fate is inevitable, it is sealed," said Marvin. "What do you mean, sir?" asked Spencer in some surprise. "Why, those who doubt shall be damned," was the quiet reply. The deep flush that mounted the cheek of Spencer told that the shaft had taken effect. Marvin was one of those lawyers who had little faith in trials by juries. In vindication of his views he was in the habit of relating instances of the want of sagacity and penetration in jurors, one of which was the following: "I once" said he, "undertook the defense of a physician charged with assault and battery upon a woman in trance who went sailing around the exhibition room singing, in a slumber from which no one could awaken her. The Doctor thought he could do it, and quickly applied some Cayenne pepper to her nostrils. She awoke, and *was wide awake*, and being a very strong and powerful woman, she proceeded to give the good Doctor a tremendous thrashing, and then brought an action against him for burning her with pepper. The jury retired and were out the greater part of the night. They all agreed upon a verdict of six cents for the plaintiff, except one man. He would neither agree, nor give any reason why he would not agree. At last one of the jurors asked him to tell him confidentially why he refused to join in the verdict. 'I will tell you,' said he. 'Did you see that Doctor all through the trial have in his hand a gold headed cane, with which he was knocking his chair?' 'I did,' said his fellow juror. 'Now,' said the obstinate one, 'I will never give a verdict for a man who comes into court, especially a Doctor, with a gold headed cane, more especially if he keeps knocking it against his chair, as that Doctor did, and I'll give a large verdict against him.' 'Well,' said the other juror, 'that is my sentiment, exactly; but suppose, instead of the cane's having a gold head, it should turn out to be only brass, what would you say then?' 'Oh, I would agree upon a verdict of six cents, at once.' 'Well,' said the other juror, 'I am a brass founder, and did not like the ostentatious display of the gold headed cane, and meant to beat him on that account, but, during the trial, I had a chance to examine the cane, and its head is brass and no mistake.' It is needless to add," said Marvin, "that the *intelligent* jury immediately agreed upon a verdict in the Doctor's favor." Mr. Marvin was a representative in Congress in 1824, 25, 27, 29, 47 and 49. He closed his professional career in the city of New York. He died in June, 1856.

JARED WILSON.

Jared Wilson was another eminent member of the bar. He was a lawyer in the severest acceptation of the term, making no pretension to eloquence, yet in the true sense of the word, truly eloquent, for he was convincing. He was perhaps the ablest legal debater at the bar of Western New York. He possessed that knowledge of law, that acquaintance with precedent, and all rules of evidence—that ready use of all his faculties that enabled him to meet every question where he found it, to grapple with an antagonist at a moment's warning and to avail himself of every advantage which springs from a perfect command of all his powers and resources. Mr. Wilson was also a resident of Canandaigua, and was in full practice when the Livingston bar was organized, and was one of the earliest signers of its roll. Hon. E. G. Lapham, our distinguished and honored Member of Congress, now standing at the head of the bar of Western New York, completed his legal education in the office of Mr. Wilson.

JOHN BALDWIN.

John Baldwin, distinguished throughout the state for his wit and humor, as well as legal ability, began his practice at Moscow, Livingston county, in the year 1823. He was an accomplished lawyer, but his accomplishments were often lost in the buffoon. And yet, if his wit sometimes descended to coarseness, if it was at times a tarnished weapon, the public excused him for his coarseness—even his

vulgarity was like the offal and rubbish that sometimes surround the classic column, which rises above all in grandeur and beauty. His eccentricities increased with the lapse of time, until his fine mind, like a tangled chain, with polished links, glittered in brilliant confusion. With all his faults, Mr. Baldwin's wit and humor was marked with so much good nature, that it was always admirable. He fully exemplified the description of wit and humor given by an elegant writer: "Wit laughs at things; humor laughs with them; wit lashes external appearances or cunningly exaggerates single foibles; humor glides into the heart of its object, looks lovingly on the infirmities it detects, and it represents the whole man; wit is abrupt, darting, scornful, and tosses its analogies into your face; humor is more slow and sly, insinuating its fun into the heart." There were occasions when Baldwin's wit and humor would keep the court room in a roar of laughter, which the judges themselves could not refrain from joining. He could assume a solemn, impressive manner, when the spectators were convulsed with laughter at some sally of his wit, but such laughter seemed to intensify the gravity of his countenance; he would, perhaps, at such times, be the only one in the court room who wore a serious face. Judge Robert Monell, whose long and distinguished judicial career has given him a memorable place in legal history, once said, "Baldwin, in the trial of a certain class of cases, will provoke more laughter than the best comedian I ever saw on the stage. He is both a genteel and low legal comedian; a Chesterfield and a boor. He can be eloquent, logical and convincing, and then he can carry his point by wit, sarcasm, and, if need be, by swaggering abuse. He carries all kinds of intellectual weapons, from a cudgel to the finest and most polished rapier, the Damascus bladed poniard, and the scimeter of Saladin." Baldwin's attendance upon a circuit court was always regarded as an event of great interest to all classes. The anecdotes related of him are almost endless, and will never be forgotten. He was several years a resident of Dansville. In the year 1835 he removed to Hornellsville and became a partner of the late Judge Hawley. For some reason he never liked Hornellsville, never ceased, if occasion required, to give it a sarcastic hit. It is related of him that on one occasion he was at breakfast at a hotel in Elmira, where he was attending court. A lawyer at the table said, "Mr. Baldwin, how are matters at Hornellsville, now?" "Oh, about as usual, some improvement, I guess," was the reply. "I learn," said the gentleman, "that the village is improving in every respect, is it so?" "Oh, yes, it is improving very rapidly, very, very; it has improved so much that it has got to be almost as good as hell, which is only sixteen feet below it." Baldwin's singular and amusing escape from arrest for contempt upon an Allegany justice of the peace, before whom he was trying a cause, exhibits one phase of his character. The justice had decided to commit him to jail at Angelica, and proceeded to draw the mittimus or warrant. The offending lawyer watched him with the most intense interest, until the dreaded instrument was completed, when he suddenly seized a large inkstand standing on the table, full of ink, and turned it on the paper, obliterating every letter upon it. "There," said Baldwin, "give that to the Constable and see if he'll know what to do with it." It was nearly night, and Baldwin, mounting his horse, rode away. But the animal was slow, somewhat lame, and the county line was ten miles distant. The lawyer made the best speed he could to reach this goal of safety. But when he was within a mile of it he heard the Constable with the mittimus, riding rapidly toward him. Escape was now impossible, and visions of dungeons and grated doors turning on their rusty hinges floated before him. He was not the man, however, to yield easily to his fate. He came to a sudden halt, wheeled his horse and faced his pursuer. The moon was shining brightly, and both men had a fair view of each other. "What do you want, sir?" roared Baldwin as the officer was nearing him. "You must go to jail, Mr. Baldwin, I have the papers to take you there," said the officer. "Never! keep off, you villain, touch me and you die!" thundered Baldwin; then thrusting his hand into his pocket he suddenly drew one of those long, bright brass-cased inkstands used in that day. The moonbeams fell upon it, giving it the appearance of a very deadly looking pistol. As he drew it from his pocket, he gave it a quick jerk, causing it to click like the cocking of a pistol. At the sight of this the officer halted. "Stand off, I tell you, or I'll blow a hole through you in a second." "Oh, Mr. Baldwin, don't pint your pistol this way, don't, your hand trembles and it may go off and kill me," cried the officer in terror. "Go off? of course it will go off. It was made to go off and kill such scoundrels as you are, following honest men with your Allegany county warrants, that are not worth the paper they are written on. Leave me, I say, or by the heavens above us, you'll be a corpse in a minute," said Baldwin. This was enough. The next instant the officer was galloping homeward as fast as his horse could carry him, at first expecting to hear a bullet from Baldwin's pistol whizzing after him. Baldwin rode safely home, thinking as he used to say, "that inkstands were my especial protectors that night." Mr. Baldwin died at Almond, N. Y., in 1843, at an advanced age. When John Baldwin was in the zenith of his career, the star of two other distinguished lawyers appeared in the legal horizon, and began their ascendent course. One of them was a member of our bar, the other often appeared there. One of them was Martin Grover, the other Luther C. Peck.

MARTIN GROVER.

The name of the former never appeared on the roll of our bar, though he was frequently a contestant there. Mr. Peck began his practice at the Allegany bar a short time before Grover became a member of it. No two men ever differed more widely than these really great lawyers. They appeared at the bar as rival gladiators. They opposed each other in the political arena, one as the leader of the whig party, the other was considered a dictator in the democratic party. Their opposition in both places was intensified by a hatred that knew no bounds. Both attain-

ed the highest political and legal honors, both were distinguished in the national legislature. Grover won high honors as a judicial officer on the bench of the Supreme Court and the Court of Appeals. Many of my audience have, doubtless seen that striking picture "Fashion and Famine," where the keen exemplification of contrasts is so vividly given. But this picture is scarcely less startling than the contrast between Martin Grover's attire and his almost majestic intellect. The one was admirable, the other—what shall I say of it?—it was nearly allied to squalor. And yet as I have said on another occasion, he was intellect in its amplitude, eloquence almost in its perfection, talents in their affluence, mind in its triumphs. He was one of the most formidable opponents that ever stood at the bar. You could do nothing with him,—make no calculations for him,—could never tell in what manner or where his blows would fall, or where his point of attack would be. As a Judge his character rested "on a granite base." An inflexible independence kept guard over his intellect. He had strong partizan feeling, and bitter political prejudices. But, in the discharge of his judicial duties, party, politics and friends, were alike forgotten. His integrity was never called in question in his public or private relations. And yet, his career as a trial or *nisi prius* Judge was frequently criticised by counsel, who, to use his own language, when they got beat, "would either appeal, or go down to the hotel and swear at the Court." In his early years, Judge Grover was careless in his dress, as we have already stated, but after his election to Congress, and his elevation to the bench he dressed with scrupulous care and taste.

LUTHER C. PECK.

Luther C. Peck to whom I have already referred, like Martin Grover was the artificer of his own fortune and fame. The world upon which he first opened his eyes was stern and bleak to him, and no where in all his journey through it did any green and beautiful thing gladden his sight which his own hands did not plant, his own industry water, and his energy sustain. The flowers that bloomed in his pathway, and there were many, were no exotics, they were natives of his own soil, beautiful in the sanctities of his own domestic home. "He gained success from the very jaws of adversity, and he was fitted for the work of his life just as the right arm of the artizan grows strong through the very blows it strikes." Mr. Peck possessed many scholarly attainments. In his early years he was a student at the Wyoming academy, obtaining means to defray his expenses by teaching and during his whole life he submitted to the most laborious private study. In his youth, with but little to make life genial, he drew genius from its citadels in books and libraries, and made it his playmate and companion. In this way he acquired a keen appreciation of literary beauty and finish, a command of language, the master of style so terse and vigorous that, like Swift, "he could put upon our English tongue its keenest edge." "The principles of things," says Dr. South, "lie in a very small compass if the mind can be so fortunate as to once light upon them." It was the felicity of Mr. Peck's mind that he lighted with such ease upon the principle of things, that he applied them so readily and that he conveyed them so forcibly to the minds of others. In person Mr. Peck was tall and commanding. He dressed with a taste that exhibited the true gentleman. There was a severity in his manner that repelled strangers and gave terrible force to his irony and invective. Among his faults was his uncompromising prejudice and the bitterness with which he exercised it. But it was relieved by an honesty almost crystalline in its nature and practice. He was no politician. He hated political thimble riggers, as he called the managers of caucuses and conventions, with an unmitigated hatred, and he had reason for his hatred. In the fall of 1855, at a judicial convention held at Canandaigua, he was fairly nominated as a candidate for a Judge of the Supreme Court, but through some adroit movement of Benjamin F. Harwood, as he alleged, he was manipulated out of the nomination, and a nomination was then equivalent to an election. Mr. Peck represented the Thirtieth Congressional district, consisting of Allegany and Livingston counties, in the 25th and 26th Congress, with marked ability. His Congressional career extended from 1837 to 1841. This was the only official position he ever held. As a lawyer Mr. Peck was always at his post, always prepared. As a speaker at the bar he was animated, argumentative, often impressive. Force and strength were striking attributes in his character. He knew nothing of the legal skirmish, nothing of the plans and plots by which one lawyer often entraps another. He moved right on in his course with resistless force. Irony, bitter and galling, was always ready at his command, and his sarcasm rendered him a dreaded opponent. He sometimes assumed the duties of a public prosecutor in great criminal cases. In this sphere he was often terrible; so terrible that on one occasion, the trial of Ewalt, one of the jury afterwards remarked: "If I am ever tried for a crime I should dread Luther C. Peck's denunciations, if he should be against me, more than a conviction." His self-confidence, admirable enough when he was right, was no less unmistakable and glittering when he was wrong.

ORLANDO HASTINGS.

This distinguished lawyer, pure citizen and Christian gentlemen was for over thirty years regarded as the Nestor of the bar. His assured position and high standing during that time was woven into the very framework of the legal organization of Monroe and Livingston counties. He gained this in the face of sharp rivalries, by hard mental labor and by superior talent. The secret of his success lay in his clear intellecctual perception of truth, aided, guided perhaps I should say, by an equally clear moral perception of truth. It resided in a great measure in the facility with which he could apply principles to facts as they presented themselves. It resided in his power of conveying to the minds of others the precise idea that lay in his own mind. If eloquence is the power of transmitting our own

thoughts to others, if it is the power to bring conviction in the minds of others, then Orlando Hastings was indeed an eloquent man. There was nothing ornate in his arguments. There was a certain lack of style in them, which was more vigorous than style. They partook of the character of their author, characterized by modesty and simplicity, and presided over by an unconquerable honesty. He was born in Oneida county in 1793, in that decade in which Lord Mansfield died. One-third of his career ran parallel with that of Chief Justice Marshall; fully one-half of it with that of the illustrious Kent, the whole of it with that of Chief Justice Oakley. In the long period of time he was at the bar, numerous great jurists passed over the law desk, while many superior luminaries did not culminate until meridian age had matured his powers, which were radiating the light of his learning upon our system of jurisprudence. In 1821, when Livingston county was formed, he was a resident of Geneseo. In January, 1824, he succeeded George Hosmer as District Attorney of this County. He served until May following, when, becoming disgusted with criminal law practice, he resigned, and Mr. Hosmer was reappointed. He subsequently removed to Rochester, and took a commanding position at the Monroe bar—a bar that stands unequaled in the history of the State for its distinguished advocates and jurists. As has well been said by another, "the Monroe bar has been the nursery of judicial talent and learning."

CALVIN H. BRYAN.

Calvin H. Bryan was a lawyer whose life and career adorned our bar. For a truth it may be said there cannot be found upon it one unseemly action or transaction, though it embraces a period of many years. He made no pretension to brilliant talents, to any oratorical powers; but he was a faithful, safe counsellor, and a firm champion of of the counsel he gave, and he was held in high esteem by the people of Livingston county. Mr. Bryan was one of those whose life reminds us of the saying of an elegant ethical writer, that the real post of honor is in private life, that official glamour obscures the man, but the duties and trials of private, every-day life presents him in his true character. Bryan never aspired to official position. If he occupied places of honor and trust, as he often did, the office sought him, not he the office. He was a native of Dutchess county, N. Y., where he was born in 1787. He studied law in the office of Knickerbacker & Davis of Hoosick, N. Y. His call to the bar took place in 1815. An elegant classical education gave strength to his mind and vitality to his legal learning. He commenced his practice with Judge William G. Angel in the county of Otsego. In the spring of 1822 he married Miss Nancy Angel, a sister of Hon. B. F. Angel. He removed to Geneseo soon after his marriage, where he continued to reside the remainder of his life. In the autumn of 1827 Mr. Bryan was elected Member of Assembly from Livingston county. He entered upon the duties of his office January 1st, 1878. The celebrated Erastus Root, one of the most accomplished presiding officers that ever governed a parliamentary body, whose career exhibits the most beautiful and striking display of genius, and the most melancholy example of dissipation, was speaker of the House. The Legislature of 1828 was made memorable by the sudden death of the illustrious Clinton, then Governor of the State. This melancholy event took place February 11th of that year. Between Mr. Bryan and DeWitt Clinton a long and intimate acquaintance existed. Mr. Bryan died at Geneseo in 1873. A life of unpretending usefulness, of a faithful discharge of the various duties, public and private, embalms his memory. It is indeed a pleasing duty to commit the recollections of such a man to the keeping of our society.

SAMUEL H. FITZHUGH.

Samuel H. Fitzhugh is another name without which much would be wanting in the history of Livingston County. His career at our bar and on our bench is full of interest. He was a scholar of fine attainments; a lawyer deeply and thoroughly read in the learning of his profession. His manly nature, his generous, high toned impulses, and chivalrous sense of honor rendered him what he really was—a gentleman by intuition and association. There were, however, dissimilar features in his character; an abruptness of manner that, to strangers, amounted to roughness; and there were extremes in his disposition which were sometimes difficult to reconcile. With him hypocrisy, smooth lipped deception, honeyed teaching and fawning deceit, all kinds of dishonesty were loathsome. Finally, at the bar, on the bench and in private life he was one of those men who, like Mark Antony, spoke "right on." He was born in Washington County, Maryland, in 1796. He graduated at Jefferson college, Pennsylvania. In 1817 he removed to Canandaigua, where he prepared for the bar in the office of N. W. Howell, whom I have already mentioned. Fitzhugh's generosity was proverbial. It was unstudied and disinterested. But it frequently exhibited itself in a questionable, even in a ludicrous manner. The following illustrates the opposite phases which his generosity assumed. He once owned a valuable timber lot adjoining which was another owned by Judge Carroll. One day Fitzhugh received notice that a man had been cutting timber from his lot, that he had destroyed some of his most valuable trees. Now stealing timber in those days from Judge Carroll was almost a matter of course. Fitzhugh, however, was highly indignant at the larceny committed on his timber, and he immediately caused the arrest of the offender, who in due time was brought to his office. "You scoundrel!" said he, stroking back his long black hair and fixing his piercing black eyes upon the man, "how dare you steal my timber? I'll send you where you won't see a tree again for a year!" "I—I—did—didn't mean to cut your timber Judge, I didn't surely." "Didn't mean to cut my timber!" roared the Judge, "what the devil did you mean to do? You have cut two hundred dollars worth, you rascal!" "I—I—thought—I thought—" "Well, sir, what did you think, you villain?" said Fitzhugh, growing

more and more wrathy. "I—I thought it was Judge Carroll's timber I was cutting," said the man bursting into tears, and trembling with terror. Fitzhugh walked the office floor a few moments without uttering a word. Finally he halted in front of the prisoner and taking a ten dollar bill from his pocket handed it to him, saying, "Here, take that, damn you, and the next time you cut timber that don't belong to you, see that you get on the right lot." He then ordered the man to be discharged, paying the costs of the proceedings himself. Judge Fitzhugh in 1820 married a Miss Addison, a daughter of Judge Addison, of Wheeling, Virginia. He practiced his profession at Wheeling until he removed to Mt. Morris, New York, in 1831. In the year 1840 he was appointed an Associate Judge of the Court of Common Pleas of Livingston County. At this time Willard H. Smith of Caledonia was first judge, James Faulkner of Fansville, and Daniel H. Bissell, now the honored President of this society, constituted the judiciary of our county. Judges Smith and Fitzhugh long ago left the scenes of earth, but Judge Faulkner and Judge Bissell are still in our midst honored representatives of the Common Pleas of Livingston County.

GEORGE HASTINGS.

It would be difficult to select from the honored dead of our bench and bar a name more thoroughly associated with probity candor, unassuming dignity, and useful learning, divorced from all pedantry, all affectation, than that of this truly exemplary, upright judge and able lawyer. He possessed a strong native intellect, cultivated by an excellent education, enlivened and enriched by a thorough, patient research. His legal education was founded on a practical familiarity with the great rudimentary legal commentators, therefore law to him was, in its strictest sense, a science as well as a rule of action. His mind and method were logical and accurate, rather than brilliant—profound rather than ready. All his acquirements, legal and classical, were poised on strong common sense and moved by an uncorruptible honesty. At the outset of his life he chose for his employment the pursuit of the arduous and toilsome practice of law. From the beginning of his career the dictates of conscience, of honor, and of duty, as a man, as a Christian, as a member of the legal profession and of society, were his guiding principles. Mildness and urbanity were also prominent features in his character; those who knew him will never forget these traits. If they were pleasing in the lawyer and citizen, may we not say they were beautiful in the judge. Judge Hastings was not an eloquent man. He always had his mind so practically bent upon the analysis and management of his cases, and so regardful of his client's interest that he never attempted anything like eloquence for the purpose of displaying himself in the court room. Besides this his voice was not toned to the fine music of oratory. He was, however, the advocate, faithful, indefatigable, who with untiring energy exhausted every honorable means of gaining his cause. If Judge Hastings was not eloquent, he could make a strong, even a powerful legal argument, and his briefs were models of learning. I have spoken of Judge Hastings's candor. In proof of what I have said permit me to quote the language of Luther C. Peck, long his compeer at the bar: "The character of George Hastings," said he, "for candor and honesty is worth more to him than all the talents of the Livingston bar put together. There is nothing more to be dreaded in the trial of a cause than that honest face of his. No matter what he says, the jury take it for law and gospel, and one might as well fight the ten commandments with Tom Paine's Age of Reason; or the Bible with the Koran, as George Hastings with that truth telling face of his. I have seen John B. Skinner keep a jury in tears through his whole powerful address when every one in the court were ready to swear that he would carry his case by sympathy, which no man could arouse like him; and then I have seen Hastings put that biblical look on his face and reply to his eloquent opponent in language so unassuming, uttered so conscientiously, that before he closed his argument every juror in the box believed that Skinner had lied from beginning to end, (and I think Skinner believed it himself), and that he had only been boring for water." The same moral qualities, the same mental acquirements that adorned his character as a lawyer, deepened respect for him as a judge. He was born at Clinton, Oneida county, March 20th, 1807. At the age of nineteen he was a graduate at Hamilton college. In the year 1829 he was called to the bar where he commenced his practice and where the sun of his life went down. He represented his district, the 28th, consisting of Livingston and Steuben, in the 36th Congress. He was always firmly attached to the Democratic party, always firmly but mildly advocated its principles, and notwithstanding at the time of his nomination for Congress the Whig party were strongly dominant, he was elected by a handsome majority, though his opponent was Hon. William Irvine, then one of the most brilliant lawyers at the Steuben bar, and now the leader of the bar in the state of California. It is due Mr. Irvine to say that at the next Congressional election he was triumphantly elected, his opponent being Hon. R. B. VanValkenburgh, now a Judge of the Supreme Court of Florida. In the autumn of 1855 Judge Hastings was elected County Judge of Livingston County. His opponent was Hon. Scott Lord, who had, by his learning and suavity, and judicial accomplishments adorned the bench for six years. The political contest that resulted in the defeat of Judge Lord was closely contested and memorable. So strongly was Judge Lord intrenched in the hearts of the people, that Hastings, with all his elements of strength, was elected by a majority of less than one hundred. A few years ago Judge Lord removed from Geneseo to Utica, where he immediately took a leading position as a lawer. So rapidly did he advance in popularity that within three years after leaving Geneseo he was elected to Congress, where he greatly distinguished himself as a parliamentary debater and tactician. After he retired from Congress he removed to the city of New York where his legal ability is recognized to an extent that places him among the leading lawyers of the metropolis. But to return to Judge Hastings. He continued on the bench from 1855 to 1863, when he was succeeded by Hon. Solomon Hubbard. After retiring from

the bench Judge Hastings returned to the practice of his profession. But he was soon destined to leave it forever, for it began to be evident that death would soon close his earthly career. But while disease weakened and wasted his body, it had no power over his spirit. Patience and resignation characterized his last days. His life finally terminated August 29th, 1866.

JOHN YOUNG.

It has been said that the grandeur of American democracy never exhibited itself more perfectly than when it took the rude strength of Jackson, the soldierly simplicity of Taylor, and, later, with awakened conscience, that great-hearted child of nature, Abraham Lincoln, and sent them to the executive chair of the nation, crowning their unclassic brows with the laurel-wreath of history. May I not say that the people of the empire state never evinced their appreciation of our beneficent institutions more strongly than when they made John Young their governor—when, in this act, they said to the youth of the country, the rich and the poor, the high and the low, that the honors of the great republic belong to all, just as in the Olympic games, the prize was within the reach of all, where the swifter in the race secured it. Many reflecting persons affect to believe that in a country and age so enlightened, so free, so self-governing as ours, we do not need statesmen of lofty and surpassing genius to rule over us; that owing to the superior intelligence of the people we can dispense with great men better than most nations. There may be a kind of greatness we can dispense with; but it is certain there is another kind we do require. We may not need now men of vast capacity, like Webster; of profound systematic policy and fervid eloquence like Clay; of commanding genius and thought, like Wright; of imperious, overbearing resolution, like Calhoun; or inflexible determination, like Jackson. The day of such men is past. They would find no fitting scope, no place on a stage where little great men have become prominent actors. This is a day when the unrecognized are often far more influential than the recognized statesman. I do not insist that Mr. Young belonged to this class of statesmen I have named, but I do claim that he was endowed with special gifts of legal and legislative ability, and that peculiar organizing and arranging faculty that gave him a paramount and commanding position at the bar and in the politics of the state and nation. Cicero has said that the eloquent speaker is a man who speaks in the forum and in the public assembly in such a manner as to prove, to delight, and to persuade. In this sense Mr. Young was an eloquent speaker, and this is an adequate description of his abilities. His career at the bar was brilliant. In his early practice he measured himself with many of the great legal lights of the bar I have named, and with such men as George P. Barker of Buffalo, and James Mullett of Chautauqua,—men possessing all the requisites constituting powerful legal gladiators—whose eloquence may, without affectation, be compared to the stone in the ring of Pyrrhus, having the figure of Appollo and the nine muses in its veins. In his contest with such men Mr. Young, like Antæus in the fable, wrestling with Hercules, was often overthrown, but when he touched the earth, he sprang with renewed power to the conflict. Mr. Young was born in the state of Vermont June 12th, 1802. With his father, Thomas Young, he removed to Conesus at an early age. When old enough he entered the common school of that town, where, in due time, he prepared himself for a teacher, in which occupation he attained considerable distinction. With no other advantages than those derived from the common school, and intense solitary study, he commenced the study of law, entering the legal profession as an attorney of the supreme court in October, 1829. He rapidly rose in his profession, reaching its front rank when he had been at the bar but a few years. In the fall of 1836 Mr. Young was nominated and elected member of congress, in place of Hon. Philo C. Fuller, who had resigned that office in the summer previous. In the year 1840 he was again elected to congress, where he served, with acknowledged ability, until March, 1843. In the autumn of 1844 he was electod member of assembly from Livingston county. He entered upon his duties in January, 1845, in that memorable session of our state legislature which developed the splendid talents of Horatio Seymour and prepared the way not only for his, but for Mr. Young's occupation of the state's executive chair. The whig party in the state had been prostrated by the sweeping democratic victory that elected Mr. Polk president. John Young, as the confessed leader of the whigs in the legislature of 1845, adopted a policy which gave his party a victory as triumphant as its defeat had been depressing. In the autumn of 1846 Young was nominated and elected governor of the state over that illustrious statesman, Silas Wright. Though the measures of his administration were not pleasing to Thurlow Weed and other leaders of the whig party, as I have said on another occasion, and though it is not celebrated for any striking policy—though it does not dazzle us by brilliant contrasts between its good and bad policies, the impartial historian will accord to it as much ability as has been accorded to most of his predecessors.

CHARLES H. CARROLL.

The history of the Livingston county bench could not be written without the life of Charles H. Carroll. He became a member of our bar in 1821,—the first who signed his name to its roll. Judge Moses Hayden was appointed first judge of the county immediately after its formation. In January, 1823, he resigned, and Judge Carroll succeeded him. Through the period of six years he presided on the bench, with accurate discrimination, spotless integrity, undoubted learning and impartiality. Few men ever gained and retained the confidence of the bar and the public to an extent Judge Carroll did. When, in 1829 he retired from the bench, lawyers and laymen, all classes exclaimed, "Well done, good and faithful servant, future honors are in store for thee." This prophecy was fully fulfilled. He was

honored with a seat in the state senate in 1828, just before leaving the bench. Here he became a member of that court which has left an imperishable impress on the judicial history of the nation—the court for the correction of errors, then the court of dernier resort in the state. He served in this body until March, 1828, when he resigned and retired to his seat in Groveland, N. Y. In 1845 he was again called from his retirement by the voice of the people to become their representative in congress. He continued in that body until March, 1847, when he retired forever to private life. His congressional record, though not brilliant, was highly honorable and eminently useful to his constituents and the state itself. Though Judge Carroll made no pretension to the qualities of a legislative orator and debater, yet such were his executive abilities and his capacity for the detail of legislative business, that he could enforce any bill or measure he desired adopted by arguments of much force and power. He had the rare faculty of withdrawing from the outward and objective into the calm retreat of the reason, where he would fabricate those arguments which always carried conviction with them. Therefore he wielded an influence that few men of his unpretending nature could. Judge Carroll had an exquisitely sensitive nature, which vibrated to the slightest touch, and his affections, especially his love of kindred and friends, was as deep and tender as a woman's. He was affable, winning and dignified in his manner. His scholarly attainments were polished with refined and cultivated society, and he never assumed a patronizing or overbearing manner towards the humblest. Few men have ever lived in the county of Livingston more thoroughly identified with its progressive agricultural interests than Charles H. Carroll. A name illustrious in the annals of American history, allied to its grand declaration of freedom, which he honored in all relations of life, made him dear to her people, and his memory among them will be perpetuated in the hearts of generations yet to come.

REUBEN P. WISNER.

Reuben P. Wisner was in many respects a lawyer of admirable ability. He was, like others whom we have mentioned, the artificer of his own fortunes. In early life he evinced a strong love of learning, but the limited means of his parents restricted his advantages to a few months attendance in the winter months at the common school. But his ambition, industry and determination made him his own instructor, and every leisure moment was devoted to the culture of his mind. In this way he made considerable progress in the languages, in rhetoric, logic and history. "You would be astonished," said Daniel S. Dickinson, who acquired his education in this way, "did you know how much progress one can make in any study by devoting a single hour in each day to it. In this way I acquired my classical education, while learning the trade of a wool-carder and cloth-dresser." And in this way Mr. Wisner obtained a very excellent classical education. He was born at Springport, Cayuga county, N. Y., January 4th, 1815. When old enough he became a farm laborer, working by the month in summer, in winter working at the business of cabinet-making. At length a friend, who was the proprietor of a hotel in Auburn, gave him the position of bar-tender and clerk. As it was then the principal hotel in the village, lawyers from abroad, attending court at Auburn became guests of this house. Here he made the acqqaintance of many of the distinguished lawyers of central New York, and as the court house was opposite his place of business he often witnessed the trial of causes conducted by William H. Seward, B. Davis Noxon. Mark H. Sibley, John C. Spencer and other great legal luminaries, with Esek Cowen presiding on the bench. In this way he took his first lessons in legal lore. They were practical, real life illustrations of the law, the working out of legal problems in that great crucible of justice—the circuit court. There was something in these contests of the bar peculiarly attractive to Wisner's bold and ardent mind, and it was his ambition to become a contestant in an arena so congenial to his taste. During his residence at Auburn he secured the friendship of Mr. Seward who invited him to enter his office as a student of law. The offer was accepted with pleasure. As Wisner was an admirable penman, Mr. Seward gave him a salary sufficient to support him until his studies were finished. After receiving his license to practice, he remained in Mr. Seward's office as an assistant two or three years, frequently appearing as junior counsel in cases tried by that great man. In this way Reuben P. Wisner prepared himself for the responsibilities of his profession. In 1837 he settled at Mt. Morris, forming a co-partnership with Judge Samuel H. Fitzhugh. The practice of this admirable firm soon became lucrative and extensive. Mr. Wisner at once took a high position at the Livingston bar, and at the bars of adjoining counties. In 1841 he represented Livingston county in the state legislature; his colleague was Augustus Gibbs of Livonia. Peter B. Porter of Buffalo, distinguished in the history of Western New York for his public spirit and energy in promoting internal improvement, was speaker of the house. In recognition of Mr. Wisner's merits Mr. Porter gave him the second place on the judiciary committee. Mr. Seward was then governor. Among other measures recommended in his annual message, was the passage of a law reducing the fees of lawyers, although a lawyer himself. This brought on a bitter contest between the lawyers and laymen in the legislature. A bill in favor of the measure was introduced, and was referred to the house judiciary committee. The chairman made an elaborate report in its favor, and Wisner submitted an able minority report against it. But the bill passed both branches of the legislature, became a law, and thereafter lawyers were compelled to work for half their former fees. But, as a member of the legislature remarked, "They will manage to pick their geese close enough to make up what the governor's message has taken away from them." Mr. Wisner declined a renomination. Through

the remainder of his life his ambition was confined to his profession. He died at Mt. Morris in the autumn of 1872. Reuben P. Wisner possessed great energy, firmness of purpose, ardent temperament and emotions that were frequently intense. His strong forte was trying causes before juries. In this sphere he was successful. As a speaker at the bar he was animated, often impressively eloquent. Sometimes he became too vehement and excited, so that he lost his influence with the jury. But this was not often. He was sanguine, always expecting to succeed, but he took defeat as one of the vicissitudes of a lawyer's life. Another remarkable feature in his character was the strength he seemed to gather in difficult cases. The greater the doubt, the stronger the opposition brought to bear against him by distinguished counsel, the more extraordinary were the efforts he made to overthrow his adversary. He seemed to excel himself when hard pressed by his opponents. His genial nature, social qualities and fund of anecdote, were among the happiest traits of his character. He has gone to his rest, but pleasant memories are blended with his career at the bar, and as a citizen. An examination into his professional life presents a useful example to future lawyers, while it exhibits the result of energy and self-reliance when applied to professional duties, and directed to the task of overcoming difficulties.

ISAAC L. ENDRESS.

Isaac L. Endress became a member of the Livingston bar in the spring of 1832. He was born at Easton, Pa., Sept. 14th, 1810. He was a graduate of Dickinson college, Carlisle, Pa. He was the son of Rev. Christian Endress, an eminent Lutheran clergyman, and an early friend of Nathaniel Rochester, the founder of the city of Rochester. Mr. Endress designed his son for the ministry. But the bar presented superior attractions, and young Endress determined to make the practice of law his future occupation. In the autumn of 1828 he removed to Rochester. Here he entered the office of Daniel D. Barnard, one of the most eminent lawyers and scholars then at the Monroe county bar. Judge Endress completed his legal education under the instruction of this accomplished gentleman, and was called to the bar in October, 1831. After practicing a short time at Rochester he removed to Dansville and became a member of our bar. This was in the fall of 1831. He was an excellent classical scholar, a man of refined taste, polished by an intimate acquaintance with the best authors, ancient and modern. His mind was one of uncommon strength and versatility. He wrote with elegance and vigor. His reasoning powers were of a high order, and he was capable of the most pungent and scathing satire if occasion required. With these attributes he possessed a discriminating judgment and a refined, polished elocution. As a conversationalist he had few equals, and he shone with great brilliancy in polished and cultivated circles. Judge Endress was profoundly acquainted with law as a science—a science that he believed opened to him a vast field of intellectual research. He regarded it not only as a rule of action, but a system of ethical and inductive philosophy, by which the intellect is alike invigorated and enlarged. He felt that the administration of justice presents the noblest field for the exercise of human capacity. It forms, as has been well said, the ligament which binds society together. Upon its broad foundation is erected the edifice of liberty. It is the high calling of the lawyer to aid in perpetuating this structure. Through his whole professional life Judge Endress evinced his thorough early legal education. It gave him what is called a legal mind. He was too retiring and sensitive for the harsh contest of jury trials, but was admirably qualified for the argument of cases before the court in *banc*, where purely legal questions are settled. But as he was not stimulated with that great motor of the lawyers, professional ambition, he did not enter very ardently into the practice before any court. He was for sixteen years the law partner of that able and efficient lawyer, John A. VanDerlip, whose duty it was in conducting the business of the firm to try its causes before the jury, and often the argument of cases in its courts of appellate jurisdiction. In the preparation of a case for trial Judge Endress had no superior. His examination of the law was thorough and untiring, and his opinions well and deeply considered; he never willingly relinquished their vindication until the final and authoritative judgment of the court was pronounced upon them. Politics had a singular fascination for him. In this field he was an accomplished and skillful manager, quick in his discernment, a ready and accurate reader of the popular mind, catching easily the "tunes of the times," always successful until he undertook to advance his own interest, and accelerate his own political fortunes. Then his failure was almost certain. There was, too, a certain useless subtlety in all his movements, that caused even his friends to sometimes doubt his sincerity, and which gave his enemies an opportunity to complain of what they termed—but without cause—his trickery. In the year 1840 he was appointed an associate judge of the court of common pleas of our county. The law in those days gave the associate judges of the common pleas equal power with the first judge. Thus Judge Endress occupied a position where he exhibited judicial abilities of no common order. In 1856 he was one of the presidential electors, and in 1867-8 he represented the county in the constitutional convention which convened at Albany that year. These are all the official positions he held. He was a man of great weight of character, a gentleman under all circumstances. Finally he was an honor to the bar, adorned the bench, was a favorite in the social circle, abounding in anecdote and pleasant repartee. For several years previous to his death he retired from the practice of the law. He died in January, 1870. His death was considered a loss to the village and to the county. It was irreparable to his family to whom he was tenderly attached.

BENJAMIN F. HARWOOD.

Mr. Harwood was born at Hornby, Steuben county, N. Y., August 10th, 1819. He was the son of poor but reputable parents. He therefore began life with nothing to rely upon for success except his own unaided exertions. Hence, self-exertion was the true key to whatever success he attained Without scholastic training, he coveted knowledge with intensity, and the difficulty he encountered in attaining it created that independence of thought which afterwards became so prominent an element in his life. Self-wrought, self-reliant, he was molded into that type of manhood, that professional excellence which gives his name and fame to us on this occasion. He early learned the art of self-culture. In this way, by the aid of a limited attendance upon the common school, and the most intense application, he acquired sufficient learning to become a teacher. To this great and responsible calling Harwood gave his time and talents for several years, so successfully that in after life he used to say that his success as a teacher gave him more pleasure than any of his triumphs at the bar or in politics. At length an event occurred that changed the whole current of his life, infusing into him new hopes—a new and higher ambition. He was subpœnaed to attend as a witness before a circuit court held at Penn Yan, and he there witnessed, for the first time in his life, contests of the bar, saw those weapons used with which lawyers war each other. Harwood listened to the speeches of the counsel with wonder and delight, almost with awe, and he thought he would exchange the world, were it at his command, to be able to talk as those lawyers talked. From that day he determined to become a lawyer, and he made every other interest subservient to this. Accordingly he entered the office of Morris Brown, Esq., long a distinguished lawyer, who was then practicing at Hammondsport, and commenced the study of law. When Mr. Brown removed to Penn Yan Harwood accompanied him. For a while he supported himself by teaching school winters and pursuing his studies in the summers. But, having prepared himself to try causes in justice's court, he abandoned his former occupation. In those days the ablest members of the profession often appeared in these courts, and it opened a field of labor in which no one, without considerable ability, could sustain himself. Hence, young Harwood was forced to study hard, think closely, act with energy, and watch every point to sustain himself against the attacks of his experienced and able opponents. But this gave him success and for several years he was a champion lawyer in justices' courts. At length his student days ended and he became a lawyer entitled to practice in all the state courts This was in July, 1839. In the autumn of that year he removed to Dansville and commenced there the practice of his profession with a success that soon gave him an eminent position at our bar. Strength of mind and executive ability were distinguishing features in young Harwood's character. He was most industrious—indefagitable is perhaps the better word. He possessed an iron frame that never tired, a mind that never lost its tone. He came out of a long and wearisome trial as fresh as when he entered it. He knew no timidity, no apprehension, and, to use the language which Reuben P. Wisner once applied to him, he had a metallic front that never changed under any circumstances, that gave him independence almost sublime. He was always sanguine, always hopeful, and always expected success and usually gained it. In the cross-examination of an unwilling, dishonest or untruthful witness, he was terrible. He would search their very souls, reach into their heart of hearts and drag the truth from villainous deceit with wonderful facility. He knew how to create an atmosphere around a cause favorable to his client. He knew, too, that the trial of a cause is very much like a game of chess, and a game of chance, that more depends upon the skill of an advocate than the law and justice of a case. Another strong point with Harwood was his inimitable manner of opening a cause to the jury, rendering the saying true that a cause well opened is half won. In the midst of his professional success Harwood yielded to the fascination of politics, and from that time to the close of his life the legal arena was a secondary matter with him. As he possessed rare accomplishments for this new field, his success was certain, and he soon became one of the leaders of the Whig party in the state. He was fortunate in gaining the friendship of Mr. Seward and Mr. Weed, and he soon became indispensable to these illustrious statesmen. On his entrance into the political field he joined his fortunes to those of David H. Abel, or Farmer Abel, as he was called, and their united talents gave them singular success. If their career has been criticised, I can only say they were politicians and used the resources of their calling. Mr. Abel was in every sense a marked and singular character, a man of action and of few words, but those words were always to the point and in the right place. It is said that as a politician he was dishonest. Could he be a politician and be honest? His memorable correspondence with Martin Grover exhibits the humor and wit of the man. When he was a candidate for state senator, Grover, who lived in his district, wrote him as follows: D. H. ABEL, Esq.—Dear Sir:—There are many things in your character that I like. They say you are dishonest, but if you will promise me in writing that if you are elected you won't steal, I will support you. Yours, etc., M. GROVER. Abel replied to this letter in the following characteristic manner: HON. MARTIN GROVER—Dear Sir: Your letter is received, contents noted. I cannot comply with your request, as I desire, if elected, to enter the senate unpledged. Yours truly, D. H ABEL. When Grover received this letter he was so pleased with it that he gave its author a hearty support. "I think much more of this reply," said he, "than I should had it contained the usual claim of untarnished honesty, which politicians persist in making." In the autumn of 1855 Mr. Harwood was nominated and elected by the Whigs of the state clerk of the court of appeals. Mr. Harwood died at Albany, in April, 1856, while discharging the duties of that office. He was at the time of his death in the 37th year of his age. In many respects he was a marked character, possessing the mental affluence and ability to mold the opinions and direct the acts of others. We have considered him as the lawyer. This was

really the sphere for which nature designed him. We also have considered him as a politician. Here, though eminently successful, he was out of his sphere. Here he was severely criticised. But so flagrantly corrupt has become party machinery that with rare exceptions the best, the ablest men who mingle in politics are tainted with corruption.

ENDRESS FAULKNER.

The professional career of Endress Faulkner though brief was brilliant and exemplary. Long enough, however, to exhibit strong intellect and unusual forensic powers. As a law-student he fully explored the science of jurisprudence, and as a lawyer his mind was a well arranged law library, in which he could easily lay his hand on whatever he desired. His was what is rarely found, a legal mind in its truest sense. It was imbued with the spirit of the science; it instinctively perceived and observed all its limitations, harmonies, modulations and discords, just as a cultivated musical ear percives what is congruous or incongruous with the harmonies of sounds. In this he manifested the true distinction between a lawyer and a random speculator upon law, between the case lawyer and the legal scientist. As a real estate lawyer it is doubtful whether the Livingston bar ever produced his superior. He studied the old writers on this branch of law with the purest delight. I can recall repeated instances when I have found him in his office late at night absorbed in the study of one of those great, subtle and philosophic writers on the law of real property, on the doctrines that govern the devolution of estates and the interpretation of devises—Sugden or Ferne or Preston—drawing as much delight from their black lettered law page as the novel reader finds in the enchantment of romance or the beautiful fictions of the poet. As a legal debater Mr. Faulkner was so modest and unassuming, that a stranger might mistake his modesty for timidity. His language was plain, direct, forcible and free from tawdry rhetoric. He possessed a real talent for legal disquisition, and there was a pleasing concord between his thoughts and his language. His briefs were elaborate and carefully prepared, they were a logical analysis of cases in full legal sequence, and although far from being a case lawyer, no one was better versed in reported cases than he, knowing as he did when and how to apply them, but he never piled them one upon another, never launched them indiscriminately at an opponent, as soldiers sometimes load and fire at will. Endress Faulkner was born at Dansville, N. Y., in the year 1819. He was a son of Hon. James Faulkner. He prepared for college at Canandaigua academy, entering Yale college in July, 1837, and graduated from that institution in 1841. In conformity with his early intentions he immediately commenced the study of law, and was called to the bar in January, 1843. Opening an office in Dansville, he commenced there the practice of his profession. He was for a time the law partner of Hon. Cyrus Sweet, now of Syracuse, the eminent and learned surrogate of Onondaga county. He was also a partner of Hon. Solomon Hubbard of Geneseo. His professional advancement was flattering to himself and his friends. Very soon after his call to the bar he conducted the trial of several important cases, with a degree of ability and success that could hardly have been expected in one so young. Among these was the case of Streety agt. Wood, Barry agt. Bassett, McQuigg agt. The Central Railroad, and other equally important cases. In these trials he was opposed by the ablest lawyers at the bar. In one John B. Skinner and Orlando Hastings, to whom I have referred, were his opponents. The trials were conducted in a manner that elicited the sharpest collisions and all the subtle tactics of the forum, but Faulkner won from his opponents that respect which is due to ability, learning, and more than all, to high toned professional courtesy. He won more than this, he won his causes. At the circuit at which these cases were pending, a lawyer from New York city conducted a case. He was one of those lawyers who believe themselves modern Ciceros, or, what is more, rivals of the famous old lawyer who tried causes in old Rome. In summing up the case he made an attempt, as some city lawyers often do, to astonish the country bar. He was evidently a man of ability, and his speech though clumsy was strong. When he closed some one asked Faulkner what he thought of the speech. "Well," said he with an expression of the infinite humor at his command, "I can only say of him as Barrington once said of an orator, 'It was vehement and fluent, and the man's language was just what came uppermost. It had power, but it was the power of a runaway horse, plunging and kicking all that approached.'" In the midst of Mr. Faulkner's professional career, then becoming so profitable to himself and gratifying to his friends, the hand of disease fell heavily, though insidiously upon him—fell, as it often does, when hope was highest and the future seemed the most promising, when the ties of life were the strongest and he had much to live for. For a time he indulged the hope that his disease would yield to skillful medical treatment. But as months wore away it became more and more obstinate, until hope deferred began to make the heart sick. He sought more genial climes, but in vain. It soon became apparent that his life was slowly but surely drawing to a close. As disease wasted his form his mind seemed to strengthen, seemed to fall back upon itself, and intellectual objects became more attractive to him. Though possessing wealth far beyond every want, real or anticipated, his love of professional labor grew more and more intense as his physical powers declined. He even undertook the management of a case that took the strongest bodily and mental powers. With this case there was a circumstance so analagous to one related by Judge Kent of an eminent jurist, who was suffering under the ravages of consumption, that I can not refrain from relating it here. "I was engaged," said Judge Kent, "with him in the conduct of a case which for voluminous and complicated pleadings and proof was, perhaps, unparalleled in our courts. It was deemed necessary that a condensed statement of the evidence of the whole case, and legal points, with minute references to the authorities affecting every point, should be prepared for the court. I shrunk from the task as utterly beyond my

powers, and it fell to his self-sacrificing industry. Our conferences in regard to it were frequent, and I observed with alarm its gradual effects on his health. Often I left him at noon bending over his task, and when I returned in the evening he was in the same posture; which had been varied in the interval by only a brief intermission. I remonstrated, often seriously, almost angrily, but it was impossible to draw him from his work; and when his task was finished, the anxious eye of friendship saw too surely that he had made rapid progress toward the grave." At last Faulkner's friends induced him to give up all professional care; but it was too late. He lingered long after all hope of his recovery was gone, and finally, with calm fortitude and Christian resignation, the inevitable hour came. He died in December, 1852, in the 35th year of his age. And so lived, so died Endress Faulkner. As in life he adorned the bar, may I not say that his history will embellish our society?

COL. JOB C. HEDGES.

Job. C. Hedges was a member of the Livingston bar who wore the wreath of Justinian twined with laurels of the soldier. He left the forum, at his country's call, where, though yet young, he was rapidly growing eminent, and a practice already remunerative and increasing. True to his duty he served on many a weary march, on many a blood-stained field, amid the harvest of death, leading his column of fiery valor where "showered the death-bolts deadliest the thin'd files along." To-day we turn to him in memory as we do to many of the unreturning brave who fell where

> "The earth was covered thick with other clay,
> Which her own clay soon covered, heap'd and pent,—
> Rider and horse, friend and foe,—in one rude burial blent."

For him as for them, "there have been tears and breaking hearts." Though time wear out the keener pangs of agony, though surviving friends discharge life's duties, foster its affections, suffer no pause in their career, yet the death of the loved, on the field, in camp or in prison, caused a wintry change to come over their hearts, dimming a sun-beam that once radiated their homes. Col. Job C. Hedges was born in the city of New York in June, 1835. While yet very young his parents removed to Dansville, where Job spent the remainder of his life with the exception of a few years. He received his rudimentary education and prepared for college at Dansville, and was graduated with honors at Lima, N. Y. Having decided to adopt the legal profession for his future calling, he entered the law office of Messrs. Hastings & Newton of Rochester. Under the instruction of these accomplished lawyers he prepared for the bar, and in October, 1868, took his degree as an attorney and counsellor at law. He commenced his practice in the city of New York, as an assistant of Hon. Stephen B. Cushing, who had recently retired from the office of attorney general of the state. Such were the legal qualifications of young Hedges that his services soon became invaluable to Mr. Cushing, who offered to make him his partner on terms the most flattering, but he preferred to practice his profession alone, and yielding to the solicitations of his friends returned to Dansville and opened an office. His severe labors in Mr. Cushing's office, though they greatly taxed his mental and physical energies, were profitable, giving him a thorough preparation for the professional career he had marked out for himself. His first professional effort, in yonder court house, was the trial of a cause of much importance, attracting considerable interest. His opponent was one of the veterans of the bar. Hedges conducted his case unaided. Though there was then at our bar, as there was in those days at most bars, two orbits in which lawyers moved, the inner circle for the older lights, who were not disposed to allow any rising young man to enter it, frowning down all who were bold enough to make the attempt. Hedges, believing there was no royal road to legal eminence, indifferent to all distinctions, bold and self-reliant, entered on the trial of the cause, as we have said, without a legal chieftain to aid him; not, however, without the usual advice and warning of friends. "Had you not better," they said, "have Mr. So-and-So to help you? He is just the man you want, he has so much influence with the judge and with the jury," etc. The case proceeded, contested inch by inch. As Hedges represented the plaintiff he closed the argument to the jury in an address that exhibited forensic talents of a high order, and a strong, vigerous, well-stored mind. Unlike most young men who occupy such places, he made no attempt at eloquence, but he made a thorough, practical analysis of the evidence, presenting it to the jurors from a stand-point like their own, which was an earnest effort to reach the real justice of the case. He caught all its weak and strong points, cautiously selecting his grounds of defence and attack. The jury retired and the labors of the young lawyer were soon rewarded by a verdict in his favor. The result of this trial greatly accelerated his professional progress. One of Col. Hedges's characteristics was the rapidity with which his intellectual powers moved. Though he was somewhat precipitate in his conclusions, he was cautious in his manner of conducting a legal campaign, and he was regarded as a safe, careful and far-seeing adviser, and a rising young lawyer. But in the midst of his promising career the war for the Union broke out, and Hedges, inspired by the patriotic spirit that everywhere pervaded the north, engaged with Captain C. S. Benjamin in the work of recruiting the depleted ranks of "the bloody, fighting 13th Regiment N. Y. S. V. Their efforts were crowned with success, and Hedges was commissioned first lieutenant, and very soon afterward was promoted to the rank of adjutant. In this position he marched with his regiment to the peninsula. He was engaged in all the battles that were fought on it, and in all the other battles in which his regiment were subsequently engaged. To use the language of a distinguished and gallant officer who was fighting by his side when he fell: "Major Hedges was a brave and efficient officer, and his conduct on many hard-fought battle fields elicited the highest commendation from his superior officers." His gallant conduct on the bloody field of Fredericksburg, on the

13th of December, 1862, when serving as aid to Gen. Barnes, who commanded the first division of the 5th corps, was especially mentioned by that officer in his report. Though severely wounded Hedges kept the field until the battle ended. In the summer of 1864 the far-famed 14th Heavy Artillery was recruited at Rochester, E. G. Marshall was commissioned colonel and Hedges a major. On the 2d of May, 1864, the regiment marched to the Rapidan, crossing it on the 6th. It participated in the battles of the Wilderness and Spotsylvania where it was under fire four successive days. From that time until the fatal 17th of June 1864, the regiment was in constant active service. At Petersburgh, Va., on the morning of that day, Major Hedges was instantly killed while bravely leading his regiment to a charge on the enemy's lines. The severity of the fighting in this assault is attested by our losses, which were estimated at 1,000 men. The losses of the rebels were heavy. In the entrenchments they lay three or four deep, while the ground between their entrenchments was covered with their dead. Indeed it was a bloody day when Hedges fell, but he fell

"With his back to the field, and his feet to the foe!
And leaving in battle no blot on his name,
Looking proudly to heaven from a death-bed of fame."

I met him a few weeks before his death, and I shall never forget the touching, even beautiful manner in which he spoke of his wife, child, his father, mother, sisters, and other friends, whom he was destined never to meet again. The moistened eye, the quivering lip, and the stifled utterance told how tender and deep was his affection for these. A very short time before his death he was made Colonel by brevet, of his regiment for gallant conduct on the field, but he fell before he was aware of this distinguishing recognition of his valor and efficiency as a soldier. Though the Livingston bar was valiantly, I had almost said gloriously, represented by the private soldier, through all grades, up to the general officer, in many a bloody field in the late war, Col. J. C. Hedges was the only member of it who died in battle. It is meet, therefore, that his memory should be embalmed in the archives of our society, for he was not only an able lawyer, but a splendid example of the calling, career and valor of the citizen soldier.

McNEIL SEYMOUR.

No member of the Livingston bar was held in higher esteem than Mr. Seymour. He was one of those men who without apparent effort inspire confidence and esteem. In the alchemy of his character there was no dross. He made no pretensions to showy talents, or any of those attributes that win popular applause, and yet few men stood higher in the estimation of the public than he. This was exhibited when a candidate for county judge. He accepted the unanimous nomination of the democratic county convention with reluctance, impressed with the belief that it would be degrading in a candidate for a judicial office to enter the canvass in his own behalf. He remained inactive during the campaign, and though the republican party was strongly dominant in the county, such was Mr. Seymour's popularity that he was defeated by so small a majority it was evident that a trifling effort on his part to succeed would have resulted in a triumphant election. When a friend expressed his regret at his inactivity, he replied: "I am better satisfied with my defeat than to have secured my election at the loss of my self-respect; any candidate for a judgeship that will eiectioneer for himself ought to be defeated for he would not be fit for the position." Another instance in which Mr. Seymour's popularity was exhibited, occurred in the autumn of 1854 when he was a candidate for member of Assembly, from the second assembly district of Livingston county. Notwithstanding his opponent was a very strong and popular man, he was elected by a very large majority. In the legislature he took a high position. His unassuming manner, his solid but unostentatious attributes, his happy eccentric abilities, and his hatred of legislative pyrotechnics gave him a high standing as a legislator. Mr. Seymour possessed a judicial mind and method, hence, the members of the bar knowing his legal learning, fairness and impartiality, were in the habit of referring the most important and intricate cases to him. His decisions were usually acquiesced in by the defeated party as the only true result of a just construction of the law and facts of the case. The theatre of Mr. Seymour's career was, I believe, mainly in Livingston county. He settled in Mount Morris soon after his admission to the bar, where he resided until his death. He died in the prime of his manhood, in the midst of his usefulness as a lawyer and citizen. He died regretted by all who knew him, particularly by his fellow members of the bar. As was said by an eminent writer of Sir. Robert Peel, "the falling of the column revealed the extent of the space it had occupied." Mr. Seymour was a brother of the Hon. Norman Seymour of Mount Morris, the eloquent and efficient secretary of our society, and one of its founders.

HARVEY J. WOOD.

One of the most agreeable and pleasant members of the Livingston bar was Harvey J. Wood. He was an accomplished practitioner, profoundly learned in the law. His counsel was always received not only by his clients but by members of the profession, in entire confidence that they could be safely guided by it. During the sittings of a circuit court, at the general or special term, Mr. Wood was a sort of legal oracle in the practice of drawing rules, orders, decrees or judgments in difficult cases. He always disliked the trial of causes. If, however, he was forced to conduct a trial, a prosecution or defense, as he often was, he was strong, vigorous, able,—an opponent to be dreaded. He prosecuted his case in such a manner that all its best features were exhibited with advantage, but he made no pretension to oratory. In his address to the jury he was plain, direct, sincere, but pointed and searching. Wood had lively sensibility and quick perceptions, a thoroughly cultivat-

ed mind, a chaste, literary taste, polished by an enlarged acquaintance with the best writers, ancient and modern. His refined taste extended to the fine arts and to fine mechanism. Finally, all his talents and instincts were those of a gentleman. High minded, generous and honorable himself he demanded these qualities in those he selected as his intimate friends. He detested fraud, trickery and every form of rascality. His word was sacred among his professional and other friends, and no client ever feared that his rights would suffer while intrusted to him. His social qualities, his genial nature, his deep sympathies were exhibited in his every day life, among his own immediate friends and extended to all with whom he came in contact. He loved to meet and enjoy the society of the young, and take by the hand the newly admitted members of the bar, struggling to gain their first foothold in the threshold of professional life. His favorite amusement was fishing, and excepting Judge Fitzhugh, Izaak Walton never had a more accomplished pupil at our bar than he. In his earlier years his gun resounded on every marsh, every wooded hillside, in every dell or glen within his reach, where a bird could be flushed or game of any kind started. Several years before his death he purchased a beautiful site on Conesus lake where he erected a cottage, and which he embellished in a style that Calypso and her nymphs might envy. Indeed, Pope never had any higher enjoyment in Binfield or Twickenham than Harvey J. Wood found in this retreat, which he appropriately named "Blissport." Here, in the heated months of summer, he invited his friends to share with him the delicious coolness of his beautiful place. Here judges, lawyers, merchants would come, and forget their cares, cast aside their labors, unbend from their dignity, and in the freedom of nature around them be boys again, happy in the enjoyment of the fine conversational powers and rich humor of Wood. He possessed one of those minds that finds

"Tongues in trees, books in the running brook,"

and there were times when, like one of Shakespeare's pensive characters, he loved to throw himself

"Under an oak whose antique roots peeped out
Upon the brook that brawled along the woods,"

and there for a time forget his professional cares in the beauties of nature. Love of raillery was a strong feature in the character of Mr. Wood, and he was remarkable for his quick and happy repartees. If occasion required he could use sarcasm with fearful effect, but he was too aimiable in his disposition to resort to the use of this weapon unless driven to it. He was a native of Cayuga county. After completing his classical education he entered the office of Amos Gould, an eminent lawyer of Auburn, with whom he studied law for a year or more. He completed his legal education, I believe, in the office of Governor Young at Geneseo. He was admitted to the bar in 1842, and commenced practice in Lima, N. Y., where he continued to reside until the close of his life. He died in 1870. Such was Harvey J. Wood. If he had faults, as all have, the grave covers them; his virtues, accomplishments and his genial nature outlive the grave and his name is surrounded with pleasant memories.

JOSEPH W. SMITH.

Joseph W. Smith was born near Bath, N. Y., in the year 1821, hence at the time of his death he was fifty-five years of age. His father was a respectable farmer who died when Joseph was yet quite young. He was reared principally under the guardianship of his uncle, Jason Stone, Esq., now a highly respected citizen of Bath. Too frail to endure the occupation of a farmer he was early sent to the best schools in the country, attaining an excellent education. Often in his boyhood days he witnessed the stirring legal contests that took place at the court house in Bath. One of these was the first trial that the present Judge Rumsey of the supreme court conducted as counsel. In this way his mind was directed to the legal profession, and his early aspiration was to become a lawyer. In this he was encouraged by his friends, particularly by two uncles, Henry Goff, Esq., of Corning, and Jason Stone of Bath. In the year 1842, on completing his education, he came to Dansville and entered the office of the late Benjamin F. Harwood, then in the plenitude of his brilliant practice. He applied himself to his studies with great industry and perseverance. With a delicate constitution he successfully mastered the great elementary law writers. He delighted in studying the old metaphysical rules of special pleading. Bacon's Abridgments, with its antique phraseology, was an admirable instructor for him. He lingered with delight over the gracefully written commentaries of our own learned and illustrious Kent, a work that is still the text book of judges and lawyers in our own country, and it has called forth the eulogy and guided the labors of the learned in other climes. Mr. Smith always thoroughly and severely investigated the law applicable to cases submitted to him, and he made strong, exhaustive briefs. His preparatory course ended, we believe, in 1847, and he was immediately called to the bar. He commenced practice as the partner of Moses Stevens, who for a time was his fellow student in the office of Mr. Harwood. After a brief period this partnership was dissolved; Mr. Stevens removed to Wellsville, and Mr. Smith continued to practice alone at Dansville for a short time, then removed to Almond, Allegany county, pursuing there his profession. About the time of his removal to Almond, in the year 1849, he was united in marriage to Miss Mary Reynale, an accomplished young lady, the only daughter of the late Dr. Wm. H. Reynale, and a favorite in society. She survives her husband, and is almost the sole survivor of a large, happy and refined family circle. At Almond Mr. Smith entered at once upon a lucrative and successful practice. But in the autumn of 1849, through the influence of his father-in-law, Dr. Reynale, and others, Mr. Smith was induced to return to Dansville, and there resume his prac-

tice. Here professional success again awaited him. After practicing alone some time, the well remembered firm of Hubbard, Smith & Noyes was formed. With this combination of learning and talent success was an inevitable result. But for some reason the firm was dissolved after the lapse of a year, and a new firm under the name of Smith & Noyes was immediately formed. This business relation continued two or three years with considerable success, when it was dissolved, each of the parties continuing to practice alone. In the fall of 1859 the eminent firm of Van-Derlip & Smith was formed. This relation continued through the long period of seventeen years, and was dissolved by the death of its junior member. Its successful career is too well known to the public to require any comment here. In the trial of a cause he detected with keen quick observation, the weak points of his adversary, while, with an instinctive ingenuity and skill, he defended, disguised or strengthened his own assailable points as occasion required. In the thrust and in the parry he was equally at home. When opposed by a sharp, pettifogging trickster—one who resorted to knavish shrewdness for success, instead of the learning of his profession, or when a deep, shrewd, deceitful, lying witness came against him, then his sarcasm fell withering, heavy and effectual. With his brethren of the bar he was honorable, high minded and courteous, and everywhere his word was his bond. At the bar and in the popular assembly Mr. Smith was a forcible, logical and persuasive speaker. As a politician he was bold, ardent and adroit, a democrat, who never furled the banner of his party for the sake of policy, but always carried it aloft in triumph or defeat—like Bruce at Bannockburn, planting its standard on the hard rock. Mr. Smith represented his town in the board of supervisors several successive years. In the fall of 1860 he was a candidate for member of assembly. Although in his district there was an overwhelming republican majority, he reduced the majority of his opponent, a very popular man, to barely thirty-five. He would have been elected but for some disaffection in his party in one of the towns of the county. In 1872 he sustained an irreparable loss in the death of his only son—his only child. He was a young man of much intellectual promise. From this terrible blow Mr. Smith never recovered. Like a strong tree that has withstood the whirlwind, though many of its green leaves have been swept away, among whose broken boughs the birds no longer warble, so he withstood this terrible stroke of fate. To his friends it was plain that nothing could banish his lost boy from his thought. In my confidential interviews with him, when his sad heart was laid open to me, as it often was, I felt that in his musings, at his home or in his office,

> "Grief filled the room up of his absent child,
> Laid in his bed, walked up and down with him;
> Put on his well known looks, repeated all his words,
> Reminded him of all his gracious parts,
> Stuffed out his vacant garments with his form."

But his sorrow is at an end, the valley and the shadow is past, he sleeps well and peacefully by the side of him whose loss silenced the music of his life. In private life Mr. Smith was a valuable and influential citizen. Kindness was innate in his nature. As he possessed a fund of pleasing anecdote, set off by lively wit and sparkling repartee, he was a favorite in the social circle. "To those who loved him not he was lofty and sour," and to his enemies who crossed his path in hatred he was implacable and aggressive in his resentment; he knew how to be a turbulent and effective hater. By a singular providence the Dansville bar within a brief period lost three of its members. They were in every sense of the word not only ornaments to the home bar but to that of the county. Two of these, Faulkner and Smith, I have already mentioned, the third was the young, gifted and lamented

JOHN G. WILKINSON,

who died in the morning of his life—in the dawn of his professional career. As he possessed talents of a high order, accurate and practical learning, laudable and well balanced ambition, well directed determination and untiring industry, his career must have been eminently successful if not brilliant. He died in the spring of 1875.

SAMUEL D. FAULKNER.

The death of Judge Faulkner occurred so recently, memoirs of his life more or less elaborately written, for the journals of the county, are so fresh in the public mind, that any reference to him on this occasion may at first seem the work of supererogation. But, conscious that a brief biography of a lawyer so eminent, and of a judge so enlightened, impartial and useful, even though imperfectly written, will be a rare embellishment to the archives of our society and a treasure to our bar, I shall, in obedience to my duty, give you an outline of his life. I beg leave, however, to do so in language used by me in another place. Samuel Dorr Faulkner was born at Dansville, N. Y., November 14th, 1835. He was a son of Judge James Faulkner and a brother of Endress Faulkner, whose life and career I have already attempted to describe. Nature was prodigal of her intellectual gifts to him, and from his earliest years to the close of his life he evinced a grateful sense of her favors by doing all in his power to enhance the value of her gifts. Under the instructions of an accomplished private tutor he commenced his classical education at home, making rapid proficiency in his studies. He completed his preparation for college at Berkshire, N. Y., and entered Yale in the year 1855. He was graduated in the class of 1859 with distinguished honors, the rich reward of the most diligent and untiring study. While in this institution he was one of the five editors of the Yale Literary Magazine, a publication of high rank at home and abroad. The written and oral productions of his college years were distinguished for such

facility of expression, by such argumentative force, such forensic point, that his friends were early convinced that the bar would be his future field of action. And it was so. Soon after leaving college he entered the Albany law school, where he chiefly prepared for his call to the bar. He was admitted to all the state courts in the year 1860, and immediately commenced the practice of his profession in his native village. His professional advancement was rapid and permanent, placing him, at an early age, among the leaders of the Livingston bar. His practice soon extended into the adjacent counties, where his abilities as an advocate were liberally acknowledged. Like most lawyers, Judge Faulkner was naturally attracted to the political field, where, under the banner of the Democratic party, he became a leading and influential partisan. On the platform he vindicated and sustained the doctrines of his party with well-digested arguments, and in the language that had the grace at once of spontaneity and art, and he soon ranked with the leaders of the democracy in this state. It was believed in the beginning of his political life, that as the republican party was so strongly dominant, not only in Livingston county but in his congressional, judicial and senatorial districts, the chances of the young lawyer for political advancement were extremely limited. Notwithstanding this, in the autumn of 1866, the democrats of the second assembly district of Livingston county nominated him as their candidate for the legislature. His opponent was a popular, energetic and determined man, who entered the contest with the prestige of a large Republican majority in his favor. After an earnest canvass Faulkner was elected by a decisive majority. He was the first democrat ever elected by his party in Livingston county to the assembly. This, with his acknowledged ability, gave him a high position on his first entrance into the legislature. His subsequent career as a legislator, his speeches delivered on the floor of the house, the various reports and memorials of which he was the author, are indubitable evidence of his talents as a parliamentary speaker and writer. Though one of the youngest members of the house, he was one of the most influential and respected. On retiring from his legislative duties he resumed more actively than ever the duties of his profession. In the fall of 1867 he was tendered a renomination for the assembly. It was not only tendered to him but he was strongly urged by his party to accept. He peremptorily declined, saying that he would never accept another office in the gift of the people, except one that was in the line of his profession. In the fall of 1870 he was nominated for county judge, by the democrats of his county. Though, as in the case of his nomination for the assembly, his party was in an almost hopeless minority, he was elected, and in January, 1871, took his seat upon the bench. With a mind, habits and attainments eminently practical, he entered upon the duties of his office destined to achieve eminent success. He closed his six years of judicial service—the term fixed by the constitution—prepared to lay down the ermine without one spot or blemish upon it. But he was not permitted to lay it down. In the fall of 1876 he was nominated and re-elected county judge, entering upon his second judicial term in January, 1877. During his first term his health began to fail, and his friends soon became painfully conscious that he was suffering under the ravages of consumption. To avoid the rigor of our northern winters and with the hope of being restored to health, he sought the mild and softer climate of the south, where for several years past he spent his winters. This for a time resisted the insidious disease, inspiring in himself and friends strong hope of his ultimate recovery. But the hope was only an illusion. There was a time, when, had his ambition been less, when, had he retired from his judicial and professional labors, he might have recovered his health. But he loved the labors of his office and of his profession. He never undertook, in sickness or in health, the discussion or decision of any legal question that he had not fully investigated, and of which he had not made himself the master. He loved his duties, judicial and professional, with enthusiastic devotion, and therefore, regardless of failing health, he pursued them with untiring energy. Perhaps he fondly looked forward to recovery. But, alas! it never came, and he fell with his armor on, intent on the discharge of his duties; and dying in early manhood a victim to his own ceaseless devotion to them, and of the profession that now mourns his loss.

> "So the struck eagle stretched upon the plain,
> No more through rolling clouds to soar again,
> Views his own feather in the fatal dart
> That winged the shaft that quivered in his heart."

In his struggle with a lingering and fatal disease, accelerated if not wholly caused by unremitting devotion to his duties, there is a mournful resemblance between his fate and that of his distinguished brother, Endress. Judge Faulkner was a close, thoughtful lawyer. He was well aware that it is often the case that young men, conscious of possessing fine intellectual powers, depend too much upon them, and thus neglect that severe mental discipline, that thorough, patient investigation, without which distinction is seldom attained, especially in the legal profession. He knew that few persons leap Pallas-like into full professional honors and success, though in the legal, as in other professions, impudence, pretentious ignorance and swelling conceit often push men, for a time at least, rapidly up the delicately graduated professional ladder. Hence it was his ambition to be, as Cicero recommends, able, *apte, distincte, ornate, discere.* How well he succeeded his career at the bar fully attests. His mind was one of singular elasticity and power. All of his mental faculties, all of his passions, predilections and prejudices were subordinate to self control—to a calm judgment that presided over all. As a speaker at the bar or in the popular assembly, he was ready, ingenious, often impressive—always interesting. He was possessed of a clear, pleasant voice, appropriate gesticulation; never affected, churlish, ostentatious or pedantic; always expressed himself in language simple, natural, idiomatic. As a judge he was acute, sagacious and

reflecting. Even during the hurry and excitement of a trial, his active mind and his ready knowledge of the law enabled him to dispose with much accuracy of a large amount of business. With the light of his experience, with rare sagacity, he soon discovered the right and wrong of a case. Usually in his charge to the jury he divested a case of those artificial incumbrances and entanglements, the creation of artful counsel, and presented the points in a clear, fair and distinct manner. His opinions exhibit research, are written with care and perspicuity, always approaching the point on which the case turned with directness and celerity which rendered it apparent even to the casual reader. This was exhibited in his recent charge to the jury in the Hinman case—a case that was hotly, stubbornly contested on both sides to a degree seldom equaled at the bar, a case full of conflicting evidence, sharp, angular and novel legal questions, that seemed impossible to harmonise; and yet Judge Faulkner divested the case of everything except the real facts pertinent to it, with fairness and perspicuity, that opposing counsel were eminently satisfied, and the almost impossible task of the jury rendered easy. To say that the death of such a man is a public loss is to repeat the genera. opinion of the community.

CLOSING REMARKS.

Thus I have, in an imperfect manner, discharged the high and honorable duty assigned me through the courtesy of this society—the duty of sketching the lives of the judges and lawyers of Livingston county who are numbered with the dead. To a large extent my field of labor presents a history of that county. In view of the great research, labor and the peculiar qualifications which the task requires, I venture to undertake it with much diffidence, and, I trust, with an entire abuegation of all personal considerations. In reverence to the memory of the dead, in respectful recognition of the feelings of their surviving friends, I have appreciated the high responsibility and delicacy of the position I occupy here to-day—feeling almost conscious of acting under the mandate of a voice coming from the past, saying, "Put off thy shoes, for the ground on which thou standest is holy ground!" Therefore, reverent to this voice, in closing my task, permit me to add that while striving to shun the faults and to emulate the virtues of those whose history and career have been committed to me, to the affections and gratitude of the people of Livingston county, and of western New York, to the safe keeping of the impartial historian and the honored archives of our society we commit their memory.

NOTE.—As I designed this address as a history of the life and times of the deceased, judges and lawyers of Livingston county, and to that end a history of the county, I have in preparing it for publication given an extended sketch of several eminent members of the profession to whom I had only time to briefly allude in delivering it; giving it more the appearance of a series of biographies. In this respect it will be more appropriate for the archives of our society.